

Romeo Aberin

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA,
HAYWARD HALL OF JUSTICE

PEOPLE OF THE STATE OF CALIFORNIA

NO.
COMPLAINT

v.

ROMEO ABERIN

PFN: [REDACTED]

CEN: [REDACTED]

Defendant(s).

WALK WARRANT

The Undersigned, being sworn says, on information and belief, that ROMEO ABERIN did, in the County of Alameda, State of California, on or about September 13, 2013, commit a Felony, to wit: ACCEPTING A BRIBE, a violation of section 68 of the PENAL CODE of California, in that said defendant(s) unlawfully and knowingly asked for, received, and agreed to receive of and from [REDACTED] a bribe, to wit: \$500 CASH, for the purpose of influencing the action of said defendant and upon an agreement and understanding that the action of said defendant upon a matter then pending before the said defendant in his official capacity, to wit: PEACE OFFICER, should be influenced thereby, said defendant being then and there a Ministerial Officer, employee, and appointee of the State of California.

SECOND COUNT

The Undersigned further deposes and says on Information and belief, that said ROMEO ABERIN did, in the County of Alameda, State of California, on or about September 13, 2013, commit a Felony, to wit: EXTORTION, a violation of section 520 of the PENAL CODE of California, in that said defendant(s) extorted money and other property from [REDACTED] by means of force and threat such as is mentioned in Section 519.

Pursuant to Penal Code Section 1054.5(b), the People are hereby informally requesting that defendant's counsel provide discovery to the People as required by Penal Code Section 1054.3.

Complainant therefore prays that a warrant issue and that said defendant(s) be dealt with according to law.

Subscribed and sworn to before me,
Monday, September 30, 2013

/s/ Hayward PD-2013-65675

EILEEN T. MCANDREW
Senior Deputy District Attorney I
State Bar #120872 pl
Alameda County, California



County of Alameda



Request for Out of Custody Complaint Declaration of Probable Cause

Arrestee/Suspect ROMEO ABERIN		DOB 05/28/1983	CDL [REDACTED] CA	PFN	Agency Report # 2013-65675
Arresting Agency HAYWARD PD (CA0010600)		Declarant Ryan Sill		Agency Phone (510) 293-7000	Agency Fax (510) 293-7183
Arrest Date	Arrest Time	Arrest Location			
Holds		Arrestee Home Address [REDACTED]			
Charges/Violations PC 519.1 F(1 Counts), PC 68 F(1 Counts)					

On 8/29/13 Officer Romeo Aberin was on duty, working Patrol for the City of Hayward. During this time, he began investigating forged prescriptions and made contact with [REDACTED]. At the time, [REDACTED] was working at the [REDACTED] located at [REDACTED]. Believing [REDACTED] was involved in the forgery, Aberin questioned her and she admitted to stealing blank prescription pads and forging prescriptions for friends.

Instead of placing [REDACTED] under arrest, Aberin attempted to utilize her as an informant. He told her she had two weeks to come up with information related to narcotics trafficking and money laundering. Aberin then left the business, never documenting his investigation of the forged prescriptions or his interaction with [REDACTED].

On 9/13/13, Aberin called [REDACTED] on her cell phone and arranged to meet with her at the [REDACTED] parking lot located on [REDACTED] in Oakland. Aberin later arrived while off duty, wearing civilian clothes and driving his personal vehicle. Based on [REDACTED] being afraid to meet with Aberin, she secretly recorded their entire meeting on her cell phone. Once her recorder was activated, [REDACTED] met with Aberin in his truck and provided him with information which he deemed worthless.

Based on this, Aberin then asked [REDACTED] to give him \$500 dollars in exchange for making her criminal case go away. Fearing she had no choice, [REDACTED] agreed to do so. Aberin then drove [REDACTED] to her bank where she withdrew \$500 and gave it Aberin. Aberin then drove her back to [REDACTED] where he dropped her off and left with the money.

The following day, [REDACTED] and her husband, [REDACTED] contacted San Leandro Police and reported Aberin's actions. [REDACTED] supplied San Leandro Officers with a copy of the recorded meeting and a copy of her ATM receipt. SLPD took an initial report then forwarded it to Hayward Police for follow-up.

On 9/17/13, [REDACTED] completed two pre-text phone calls with Aberin. During the calls he admitted to accepting \$500 and told her they still needed to talk about her case.

Later the same day, Aberin was confronted about the allegations and provided a statement after being afforded his Miranda Rights. Aberin admitted to asking and receiving \$500 from [REDACTED] however he contended she provided the money willingly without use of threats or by fear. Furthermore, he admitted to still being in possession of the money which was at his residence.

After providing a statement, Aberin was placed on administrative leave and escorted out of the building.

On 9/24/13, Aberin met with Lt. Keener and Sergeant Forkus and returned the money which he stated was given to him by [REDACTED]. The money was then returned to [REDACTED] on 9/25/13.

Additional evidence which corroborates the crime includes cell phone records, video surveillance and witness statements.

Based on this investigation it requested that Romeo Aberin be prosecuted for committing extortion while under the color of authority and asking for and receiving a bribe.

I declare under penalty of perjury that the above information was obtained through official police channels and is contained in the above-mentioned police report. Executed in the County of Alameda, State of California. Identity and signature of declarant verified by CRIMS.

Date: 09/26/2013 15:53:00

Declarant: Ryan Sill

Badge: Str

Reviewed and approved.

Date: 09/26/2013 15:53:30

Supervisor: Ryan Sill

Badge: Str

HAYWARD POLICE DEPARTMENT

CASE REPORT

300 West Winton Avenue
Hayward, CA 94544

CASE#

2013-00065675

ADDITIONAL SUBJECTS

SUBJECT	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFD)				<input type="checkbox"/> NON-DISCLOSURE	
	Witness							
	DOB	AGE or AGE RANGE						
		47						
	SEX	RACE	EYE	HAIR	HEIGHT or RANGE	WEIGHT or RANGE		
	Female	White-European						
	DL NUMBER/STATE	PFN	PRIMARY PHONE		PHONE #2			

SUBJECT	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFD)				<input type="checkbox"/> NON-DISCLOSURE	
	Suspect		Aberin, Romeo,					
	DOB	AGE or AGE RANGE	ADDRESS (STREET, CITY, STATE, ZIP)					
		30						
	SEX	RACE	EYE	HAIR	HEIGHT or RANGE	WEIGHT or RANGE		
	Male	Other-Unknown	Brown	Black	5' 10"	235		
	DL NUMBER/STATE	PFN	PRIMARY PHONE		PHONE #2			

SUBJECT	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFD)				<input type="checkbox"/> NON-DISCLOSURE	
	DOB	AGE or AGE RANGE	ADDRESS (STREET, CITY, STATE, ZIP)					
	SEX	RACE	EYE	HAIR	HEIGHT or RANGE	WEIGHT or RANGE		
	DL NUMBER/STATE	PFN	PRIMARY PHONE		PHONE #2			

SUBJECT	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFD)				<input type="checkbox"/> NON-DISCLOSURE	
	DOB	AGE or AGE RANGE	ADDRESS (STREET, CITY, STATE, ZIP)					
	SEX	RACE	EYE	HAIR	HEIGHT or RANGE	WEIGHT or RANGE		
	DL NUMBER/STATE	PFN	PRIMARY PHONE		PHONE #2			

SUBJECT	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFD)				<input type="checkbox"/> NON-DISCLOSURE	
	DOB	AGE or AGE RANGE	ADDRESS (STREET, CITY, STATE, ZIP)					
	SEX	RACE	EYE	HAIR	HEIGHT or RANGE	WEIGHT or RANGE		
	DL NUMBER/STATE	PFN	PRIMARY PHONE		PHONE #2			

REPORTING OFFICER

Sill

DATE

09/14/2013

REVIEWED BY

304

HAYWARD POLICE DEPARTMENT

CASE REPORT

CASE#

2013-00065675

300 West Winton Avenue

Hayward, CA 94544

NARRATIVE

See the associated attachment for the investigative report.

REPORTING OFFICER

Sill

DATE

09/14/2013

REVIEWED BY

1 **HAYWARD POLICE REPORT: 2013-65675**

2 **SUSPECT STATUS:**

3 Romeo Aberin is known, not in custody. Aberin is a City of Hayward Police Officer currently on
4 administrative leave.

5 **VICTIM STATUS:**

6 [REDACTED], White female adult, 47 years old. [REDACTED] was not physically injured as a result of this
7 incident.

8 **SUMMARY:**

9 On 8/29/13 Officer Romeo Aberin was on duty, working Patrol for the City of Hayward. During this time,
10 he began investigating forged prescriptions and made contact with [REDACTED] At the time,
11 [REDACTED] was working at the [REDACTED] located at [REDACTED] Believing [REDACTED] was
12 involved in the forgery, Aberin questioned her and she admitted to stealing blank prescription pads and
13 forging prescriptions for friends.

14 Instead of placing [REDACTED] under arrest, Aberin attempted to utilize her as an informant. He told her she
15 had two weeks to come up with information related to narcotics trafficking and money laundering.
16 Aberin then left the business, never documenting his investigation of the forged prescriptions or his
17 interaction with [REDACTED]

18 On 9/13/13, Aberin called [REDACTED] on her cell phone and arranged to meet with her at the [REDACTED]
19 parking lot located on [REDACTED] in Oakland. Aberin later arrived while off duty, wearing civilian
20 clothes and driving his personal vehicle. Based on [REDACTED] being afraid to meet with Aberin, she secretly
21 recorded their entire meeting on her cell phone. Once her recorder was activated, [REDACTED] met with
22 Aberin in his truck and provided him with information which he deemed worthless.

23 Based on this, Aberin then asked [REDACTED] to give him \$500 dollars in exchange for making her criminal
24 case go away. Fearing she had no choice, [REDACTED] agreed to do so. Aberin then drove [REDACTED] to her
25 bank where she withdrew \$500 and gave it Aberin. Aberin then drove her back to [REDACTED] where he
26 dropped her off and left with the money.

27 The following day, [REDACTED] and her husband, [REDACTED], contacted San Leandro Police and reported
28 Aberin's actions. [REDACTED] supplied San Leandro Officers with a copy of the recorded meeting and a copy
29 of her ATM receipt. SLPD took an initial report then forwarded it to Hayward Police for follow-up.

30 On 9/17/13, [REDACTED] completed two pre-text phone calls with Aberin. During the calls he admitted to
31 accepting \$500 and told her they still needed to talk about her case.

32 Later the same day, Aberin was confronted about the allegations and provided a statement after being
33 afforded his Miranda Rights. Aberin admitted to asking and receiving \$500 from [REDACTED] however he

34 contended she provided the money willingly without use of threats or by fear. Furthermore, he
35 admitted to still being in possession of the money which was at his residence.

36 After providing a statement, Aberin was placed on administrative leave and escorted out of the building.

37 On 9/24/13, Aberin met with Lt. Keener and Sergeant Forkus and returned the money which he stated
38 was given to him by [REDACTED]. The money was then returned to [REDACTED] on 9/25/13.

39 Additional evidence which corroborates the crime includes cell phone records, video surveillance and
40 witness statements.

41 Based on this investigation it requested that Romeo Aberin be prosecuted for committing extortion
42 while under the color of authority.

43 **NARRATIVE:**

44 On 9/14/13, [REDACTED] and her husband [REDACTED], contacted San Leandro Police and met
45 with Officer Pasut at their residence in San Leandro. When Officer Pasut arrived, [REDACTED] advised him of
46 actions taken against her by Hayward Police Officer Romeo Aberin. In summary, [REDACTED] told Officer
47 Pasut the following:

48 On the afternoon of 08/29/13, [REDACTED] stated she was contacted by Officer Aberin while she was
49 working at the [REDACTED] at [REDACTED] Hayward. The location is a [REDACTED]
50 clinic, owned and operated by [REDACTED]. [REDACTED] advised Officer Pasut she worked at the
51 business, part-time, as an office assistant. She further explained that at approximately 1:30-2:00 in the
52 afternoon, Officer Aberin had arrived at the business and appeared to be "on duty" as he was wearing a
53 Hayward Police uniform and driving a marked Hayward Police vehicle. Aberin met with [REDACTED] and told
54 her he was investigating forged medical prescriptions. Upon being questioned, [REDACTED] admitted to
55 having written approximately 12 fraudulent prescriptions to friends and co-workers over the last year.

56 After [REDACTED] admitted to the crime, Aberin stated he would not arrest her if she could provide him with
57 information related to more serious crimes such as narcotics trafficking and money laundering. In
58 essence, Aberin was attempting to utilize [REDACTED] as a confidential informant to assist him in
59 apprehending other criminals. Aberin referred to the criminals as "big fish." [REDACTED] explained she told
60 Aberin she didn't know subjects involved in such criminal activity. Aberin then left the business telling
61 [REDACTED] she had two weeks to come up with the information requested and she needed to, "think
62 outside the box." Aberin did not leave a business card or a report number when leaving.

63 Over the next two weeks, [REDACTED] said she did not see or hear from Aberin. However on 09/13/13 at
64 4:08pm, [REDACTED] received a voicemail on her cell phone from Aberin while she was working at her
65 second job, [REDACTED] located on [REDACTED] in Oakland. When listening to
66 the message, [REDACTED] claimed that Aberin identified himself as "Officer Aberin" and demanded she call
67 him at [REDACTED]. Aberin told [REDACTED] to call him as soon as possible as it was urgent. (It should be

68 noted that the phone number which Aberin provided is his dedicated Hayward Police voicemail phone
69 number.)

70 Once hearing the message, [REDACTED] immediately called Aberin, leaving a message on his voicemail.
71 [REDACTED] stated she placed the call at 5:09pm. Within 10 minutes, Aberin returned the call, contacting
72 [REDACTED] on her cell phone from a "blocked" number. During the call, Aberin asked [REDACTED] if she had any
73 information and she told him, "no." She recalled that Aberin sounded frustrated and asked to meet her
74 at her work. Afraid to say no and risk being arrested, [REDACTED] agreed to meet and Aberin soon arrived in
75 the parking lot of [REDACTED] in Oakland. Upon arriving, Aberin called [REDACTED]
76 at 6:49pm and advised he was in front of her store. The displayed number which Aberin called from was
77 "blocked."

78 Fearful of Aberin's actions, [REDACTED] confided in the shopping center's security guard, later identified as
79 [REDACTED]. After hearing about the situation, [REDACTED] agreed that Aberin's actions were not right and
80 seemed suspicious. Based on this, [REDACTED] suggested [REDACTED] record her meeting with Aberin utilizing her
81 cell phone. [REDACTED] had an Apple iPhone 4S which included an audio recorder. [REDACTED] quickly showed
82 [REDACTED] how to use the recorder before she made contact with Aberin. (A copy of the recording was
83 collected by San Leandro Police. The recording clearly captured the conversation between [REDACTED] and
84 Aberin during their meeting.)

85 With her recorder on, [REDACTED] went out to the parking lot and met with Aberin at his truck. [REDACTED]
86 stated Aberin was the only occupant and that he was wearing "plain clothes." [REDACTED] described the
87 truck as being a newer model, extended cab that was dark silver or charcoal gray in color. [REDACTED]
88 suspected that the truck may have been a [REDACTED].

89 Aberin told [REDACTED] to get in and she did. He then asked if she had any information for him and [REDACTED]
90 proceeded to tell him about a male subject who she suspected had sold drugs and stolen merchandise in
91 the past. Aberin told [REDACTED] the information was not good enough and asked what else she could tell
92 him. [REDACTED] said the conversation then went back and forth with Aberin finally telling her that her case
93 regarding the forged prescriptions was closed and no charges would be filed.

94 After saying this, [REDACTED] stated that Aberin asked her if she could come up with \$500 cash immediately.
95 Aberin explained that he needed the money to take care of some financial problems. Aberin began
96 prodding [REDACTED] about the money, asking if she even had \$500 available to give him. [REDACTED] stated
97 Aberin told her that he had recently viewed her bank account and found she only had a \$200 balance.
98 ([REDACTED] advised this was not accurate and she not sure why Aberin had told her this.)

99 Finally, [REDACTED] said she agreed to withdraw the cash from her bank account at Bank of the West. With
100 [REDACTED] having agreed to give Aberin the money, he drove her to the Bank of the West located at 1601
101 Washington Avenue in San Leandro. There, [REDACTED] withdrew \$500 at the ATM while Aberin waited in
102 his truck. [REDACTED] provided the ATM receipt to San Leandro Police which illustrated she had withdrawn
103 \$500 from her bank account on 9/13/13 at 7:11pm. Furthermore, surveillance footage from the bank
104 illustrated [REDACTED] withdrawing the money and Aberin's suspected truck waiting in the background.)

105 When [REDACTED] returned to the truck, she tried to hand Aberin the money however he did not initially
106 accept it. [REDACTED] stated Aberin wanted her to understand that she was giving the money to him
107 voluntarily and she was not required to do so [REDACTED] admitted she told Aberin she understood,
108 however she believed if she had not given him the money he would have re-opened her case. Once
109 [REDACTED] agreed that the money provided was voluntary, Aberin accepted the cash and drove her back to
110 [REDACTED] where he dropped her off then left.

111 [REDACTED] completed her shift and left work around 10pm. [REDACTED] then went home and told her husband,
112 [REDACTED] what had taken place. They reviewed the recorded conversation which [REDACTED] had collected on
113 her cell phone then contacted the San Leandro Police the following day (9/14/13) to report incident.
114 [REDACTED] admitted she was very scared throughout her contact with Aberin and she had often cried
115 because she didn't know what to do. (San Leandro Rpt #2013-44120.)

116 Once San Leandro had completed their initial report, the information was forwarded to Hayward Police
117 and the Internal Affairs Lieutenant, Roger Keener. On 9/17/13, Inspector Ritchie and I were briefed and
118 tasked with completing the follow up investigation regarding Aberin's actions.

119 It should be noted I knew Aberin as I had been a co-worker of his since his date of hire on 04/30/07. I
120 had worked for approximately one year with him in the Patrol Division and he was also a team member
121 with me on the Special Response Unit. Based on countless interactions, I was familiar with Aberin and
122 felt I could distinctly recognize his voice. During the briefing, I listened to the recording which [REDACTED]
123 had collected when meeting with Aberin. Based on hearing the male's voice, I believed it to be that of
124 Aberin.

125 The following is a summary of the recorded conversation between [REDACTED] and Aberin when they met on
126 9/13/13:

127 [REDACTED] was initially heard walking to Aberin's vehicle which was then followed by him saying, "come on
128 in." [REDACTED] then got into the truck and Aberin asked her, "you alright?" [REDACTED] replied quietly, "I'm
129 scared." "Well, you should be," Aberin responded. He then told her that he "was obviously off duty"
130 and he asked [REDACTED] what information she had come up with. Aberin then inquired if [REDACTED] was sick
131 and she responded by saying she had been crying since getting off the phone with him. [REDACTED]
132 admitted she was really scared about what was going to happen.

133 [REDACTED] then proceeded to tell Aberin about the criminal information she suspected he wanted to help
134 in "furthering his career." She told him about a subject she knew named [REDACTED] who dealt with stolen
135 property. Once hearing the information, Aberin responded by saying subjects like [REDACTED] were a
136 "dime a dozen." He then asked, "what else?" Attempting to think of anything, [REDACTED] told Aberin
137 about "someone she knew through someone else" who trafficked narcotics.

138 Unimpressed, Aberin proclaimed, "here's my terms, between now and the last time I talked to you, I am
139 in debt with somebody \$500 dollars; you come up with \$500 dollars and then everything goes away."
140 Taken aback, [REDACTED] replied, "Umm, right now, right here?" She continued by saying, "umm, I could,
141 you know I might have to talk to my husband." Aberin interrupted and told [REDACTED] "Ok let me tell you

142 where you're at right now, as soon as I left the department I closed the case, so right now you're not
143 named a suspect." [REDACTED] then asked, "Ok, it could re-open itself?" "I'm not saying that," Aberin
144 advised. "Ok," she answered.

145 Aberin then carried on asking for money by saying, "I'm asking for a favor here." [REDACTED] then agreed to
146 provide the money to Aberin and he drove her to her car so she get her purse and go to the bank.
147 [REDACTED] told Aberin she could withdraw \$500 using her debit card at the Bank of the West ATM. When
148 she told Aberin this he questioned how much money she had in her account by inquiring, "Do you have
149 \$500 dollars, last time I checked you only had \$200 dollars." [REDACTED] then started to cry and told Aberin
150 her husband had just deposited a check and she could get him the money. She told him, "It's gonna
151 leave us with hardly nothing but if I could make this go away, I'm will make it go away."

152 Aberin then asked what [REDACTED] what she would tell her husband happened to the money and she
153 stated she would move money around so he wouldn't notice. Aberin responded by saying, "well, that's
154 not good enough." [REDACTED] responded by stating, "So you don't want the money?" "No, I want the
155 money," Aberin asserted. Desperate to get her case resolved, [REDACTED] told Aberin, "I can get the money
156 right now, it will leave me in the hole but I can handle it if you can guarantee me it's (pending case) off
157 the table, gone, disappears." Aberin then confirmed, "it will be gone forever."

158 Wanting to know how [REDACTED] would conceal the missing money from her husband Aberin questioned
159 her, "how are you going to make \$500 disappear?" [REDACTED] explained she had bills which she could tell
160 her husband she had to pay to justify the lack of money. Seeming to be convinced her plan would work,
161 Aberin advised her, "you understand \$500 dollars is a very cheap price, that's a super cheap price."
162 Thinking for a moment, he then added, "I feel funny taking money from you, this wasn't the point."
163 Feeling as though she had done something wrong, [REDACTED] said, "I understand that I've put you in a very
164 hard situation." Aberin then commented, "I have lawyers down my back, I have a corporation down my
165 back."

166 Aberin then told [REDACTED] "you're giving me that money under your own free will." [REDACTED] agreed by
167 saying, "so this can all go away." Aberin objected by stating, "no not for it to go away, I'm gonna tell you
168 that the case is closed right now, you hear me! And it's going to remain closed and you're giving me this
169 money under your own free will." [REDACTED] then quietly responded, "ok."

170 Being uncertain about her case, [REDACTED] asked Aberin, "as soon as I hand you the money are you going
171 to reopen it?" Aberin adamantly responded, "no, I'm going to say it's going to remain closed. I'm not
172 doing this in exchange for money, you understand that?" "Ok," she answered. "And you're voluntarily
173 giving me the money," he demanded. "Out of the goodness of my heart, I mean..." proclaimed [REDACTED]
174 Aberin then confirmed the agreement by saying, "out of the goodness of your heart, you're going to give
175 me the money and out of the goodness of my heart, I'm gonna close the case." "Ok, I understand,"
176 [REDACTED] replied. (It should be noted that [REDACTED] could be heard crying and sniffing throughout the
177 recording. Based on her demeanor, I believe it was obvious she was fearful in regards to Aberin's
178 authority and her only choice was to provide him with \$500 or face incarceration.)

179 With the agreement confirmed for the money, Aberin drove [REDACTED] to her car where she retrieved her
180 purse. While driving, Aberin told [REDACTED] "for the sake of legality, I have closed the case and you are
181 not going to remain a suspect." He then repeated, "for the sake of legality, you understand me, this is
182 not a bribe, you understand me?" Wanting to further confirm [REDACTED] decision he stated, "you have
183 two choices, you can walk out the door and nothing will happen or you can walk out the door and leave
184 me \$500, same result." [REDACTED] answered by saying, "I want to do right by you for helping me out of this
185 situation." Sounding pleased with [REDACTED] answer, Aberin then told her, "that a girl...and it's not a
186 favor, you are doing this out of the goodness of your heart."

187 Having retrieved her purse, [REDACTED] then gave Aberin directions and he drove them to the Bank of the
188 West located at 1601 Washington Avenue in San Leandro. While driving to the bank, Aberin made small
189 talk with [REDACTED] asking how her day was and what type of job skills she had. [REDACTED] also talked about
190 her family stating she had been a stay-at-home mom for many years while taking care of her children
191 who were now 17 and 13 years old.

192 Aberin then asked [REDACTED] how [REDACTED] was treating her and if she had spoken with her since the incident
193 at the office. [REDACTED] is the Office Manager and co-worker of [REDACTED] at the [REDACTED]
194 [REDACTED] explained that [REDACTED] was no longer talking with her. Aberin told her that [REDACTED] shouldn't be
195 "throwing stones" because she had also been involved with the forged prescriptions. Aberin then asked
196 [REDACTED] if she wanted him to talk to [REDACTED] and she said "no."

197 Arriving at the bank, [REDACTED] could be heard walking up to the ATM and withdrawing money. She then
198 returned to Aberin's vehicle, where she got inside and he drove away. As Aberin drove [REDACTED] back to
199 work he stated, "I have to reiterate, you know that the case is closed, that you are not named a suspect
200 and I'm not going to re-open it. You know that right?" "Umm hmm," replied [REDACTED] "So why are you
201 giving me this money?" he asked. [REDACTED] responded, "because I'm scared that if I don't give you this
202 money it's (criminal investigation) going to be re-opened." Aberin then told [REDACTED] "no, let me
203 reiterate, you are not in trouble right now, this is not a bribe, ok?" He followed up by demanding, "say
204 it, I'm not in trouble this is not a bribe." Seemingly reluctant, [REDACTED] nervously said, "I'm doing this out
205 of the goodness of my heart."

206 Satisfied with [REDACTED] response, Aberin emphatically stated, "it's gone! It's over!" Relieved, [REDACTED]
207 laughed and said, "thank you, I hope this gets you out of whoever you owe money to!" Aberin then
208 changed the focus from [REDACTED] and started questioning her about [REDACTED] "so let's address [REDACTED], she's
209 not feeding drugs to kiddos (kids)?" [REDACTED] said, "no, I don't believe so, she's just stuffing her pockets
210 with cash." Both subjects then began to discuss how fraudulent prescriptions worked and the loopholes
211 people utilized to get prescriptions illegally. During the conversation, [REDACTED] admitted she had only
212 taken 12-15 blank prescriptions from the office and she wasn't aware they could be duplicated and re-
213 used at multiple pharmacies.

214 As they traveled closer to [REDACTED] workplace, Aberin told [REDACTED] "all the information that you've
215 given me is gone, because I want nothing tied to you, fair enough?" "Yeah, fair enough," answered
216 [REDACTED] Aberin then advised [REDACTED] "I'm glad I was able to help you out, help you straighten out your

217 life. Is there anything else I can help you with while I'm here?" [REDACTED] said no and told Aberin what she
218 had done was wrong and it would not happen again. Aberin then interrupted by saying, "now I just have
219 to deal with the backlash from my work." [REDACTED] responded, "I know and I'm sorry."

220 Aberin continued by stating, "you just let me deal with that and don't even worry about it, you should
221 hate me right now." Caught off guard, [REDACTED] replied, "umm, you scare me," which was then followed
222 by a nervous laugh. "Why do I scare you?" Aberin asked. "Because you're authority and it scares me,"
223 admitted [REDACTED]. Aberin then tried to explain he wasn't currently acting as a Police Officer and advised,
224 "I'm off duty, you can call me whatever, whenever you want."

225 Realizing they were getting close to [REDACTED] [REDACTED] [REDACTED] acknowledged, "now I have to go back to work
226 and explain why I'm balling (crying)," she then laughed and said, "they have no idea what's going on
227 with me." With [REDACTED] no longer seeming upset, Aberin asked her, "are you in a better mood?"
228 [REDACTED] answered, "I'm free." Aberin then said, "I'm guessing it's a weight off your shoulders." "It is,"
229 [REDACTED] stated in relief, "I can handle explaining the \$500 dollars." Hearing about the money, Romeo
230 confided in her, "I'm actually in way over my debt with that one; that may or may not even cover me."

231 When arriving at the shopping center, Aberin commented, "San Leandro has a lot of cops, holy smokes!
232 I've seen 6 cops on this drive alone." He then stopped and allowed [REDACTED] to get out of the truck.
233 While she exited, he said to her, "hopefully I didn't delay you too long...thank you for your gift." Aberin
234 then drove away and [REDACTED] returned to the store. (For complete details regarding the meeting
235 between Aberin and [REDACTED] refer to the copied recording which has been placed into evidence at HPD.)

236 Listening to the recording, it appeared clear [REDACTED] had not willingly met with Aberin and she did not
237 voluntarily provide him with \$500. From the beginning, when [REDACTED] first met with Aberin, it was
238 evident she was scared as she could be heard crying when he asked her if she was sick. Several times
239 during the meeting, [REDACTED] told Aberin she was scared of him because she knew he was a Police Officer.
240 Although Aberin attempted to "reiterate" to [REDACTED] many times that she was giving him the money
241 "out of the goodness of her heart," he ultimately appeared to know his actions were wrong when telling
242 her that she should, "hate him."

243 Having heard the recording, Inspector Ritchie and I then met with [REDACTED] along with her husband
244 [REDACTED] [REDACTED] discussed her contacts with Aberin, confirming what I had learned through the San
245 Leandro report and by listening to the recording. As [REDACTED] spoke, I noticed she was upset as she often
246 cried while telling us her story, appearing frightened and nervous to discuss details.

247 [REDACTED] advised that she never felt as if she had a choice when providing money to Aberin. She
248 explained that she believed if she had not given him \$500 she would have been arrested. [REDACTED] added
249 that when Aberin met with her in his truck, she remembered him saying, "you should hate my guts."
250 [REDACTED] admitted she had told him, "I'm scared of you, you are authority."

251 During the conversation, I asked [REDACTED] if she knew the name and contact information of the security
252 guard she had spoken with. She said she only knew the subject in passing when working at the shopping
253 center, she was not aware of his name or how to contact him. [REDACTED] advised that the guard primarily

254 worked in the evenings and she described him as being a Black male adult, approximately 30 years old,
255 5'06" tall and 210 lbs. (The security guard was later contacted on 09/19/13 and identified as [REDACTED]
256 [REDACTED])

257 Additionally, both [REDACTED] and her husband told me they were fearful Aberin would retaliate against
258 them due to coming forward and reporting his actions. They were concerned Aberin may have accessed
259 their personal information and he was aware of where they lived and attempt to contact them.

260 After discussing the incident, Inspector Ritchie completed a sequential photo lineup with [REDACTED]
261 [REDACTED] viewed six individual photos and positively the photo of Romeo Aberin, DOB [REDACTED] as the
262 person she knew as Officer Aberin. (The sequential photo lineup identification was placed into evidence
263 at HPD.)

264 It should be noted that all photos utilized in photo line-ups for this investigation were collected from the
265 "Employee Photo" database which I accessed through the Hayward Police Intranet. All photos which
266 [REDACTED] viewed were of male, Hayward Police Employees wearing official Hayward Police uniforms.
267 Additionally, I was able to collect Aberin's personal information [REDACTED] his cell phone number
268 [REDACTED] and current home address by conducting a personnel search on the HPD "Aegis"
269 database.

270 With [REDACTED] having identified Aberin, we then drove her to the San Leandro Police Department. There,
271 [REDACTED] completed three recorded phone calls to Aberin in our presence. [REDACTED] utilized her personal
272 cell phone, [REDACTED], during each call. The following is a summary of the calls:

- 273 • Call #1 at approximately 1344 hours: [REDACTED] called Aberin's dedicated Hayward Police voicemail
274 line at (510)293-3401. [REDACTED] left a message advising who she was and requested Aberin call
275 her back because she needed his help. [REDACTED] asked Aberin call her at [REDACTED]. The call
276 lasted approximately 30 seconds.
277
- 278 • Call #2 at approximately 1346 hours: [REDACTED] received a call from Aberin at the listed phone
279 number of [REDACTED]. [REDACTED] answered and Aberin was heard saying "Hey [REDACTED] what's
280 up?" [REDACTED] told Aberin her husband was asking about the missing money and giving her a lot
281 of problems. She then asked Aberin if she could get the \$500 back from him and she would
282 return it in a few days. Aberin answered by saying "ok" then paused for a moment and told her,
283 "let me call you right back." The call lasted approximately 27 seconds.
284
- 285 • Call #3 at approximately 1347 hours: Aberin called [REDACTED] cell phone from a "blocked"
286 number and immediately asked, "ok, so what's going on?" [REDACTED] told him that her husband
287 had been alerted by their bank that a large amount of money had been withdrawn from their
288 account. Because of this, he was now asking questions about where the money had gone.
289 Aberin then asked [REDACTED] when she needed the money and she answered as soon as possible.
290 Aberin then paused for a moment and told [REDACTED] "I'm in L.A....I'm on my way, I'm on 5 (HWY
291 5), (pause) where are you now?" [REDACTED] responded, "I just left the house, I start work at 3

o'clock, my husband was yelling and screaming and..." Aberin advised [REDACTED] he was on his way home and he could meet her at her work.

Aberin then asked if [REDACTED] needed the full amount or just part of it. [REDACTED] told Aberin she could use the full amount but if she could get her husband some of the money it would stop him from screaming and yelling about it. Aberin then stated, "ok, that's fine, I don't want you to get too much in trouble, I'll meet you at your work, no later than five." Worried, [REDACTED] then asked, "this isn't gonna change the outcome of, the file's not gonna be open because of this is it?" Aberin quickly responded, "we'll talk." Shocked, [REDACTED] responded, "we'll talk?" "Yep," replied Aberin. The conversation then ended with Aberin telling [REDACTED] "handle your problem first, then we'll talk." The call lasted 2 minutes, 18 seconds. (It should be noted that "blocked" calls which [REDACTED] received from Aberin were suspected to be made from his cell phone – [REDACTED])

(All phone calls were recorded; CD copies of them have been placed into evidence at HPD. Call times and lengths were confirmed through AT&T Mobility Usage reports pertaining to Aberin's cell phone as cell phone data extracted from [REDACTED] cell phone.)

After the calls were completed, Inspector Ritchie and I returned [REDACTED] to her residence. I collected [REDACTED] cell phone from her at that time in order to complete a data extraction. [REDACTED] had agreed to a search of her cell phone and had signed an HPD "Consent to Search" form (see attached.) Once collecting the phone, Inspector Ritchie and I returned to the Hayward Station.

Once there, Captain Stuart provided me with Aberin's "Unit Status" for the day in which [REDACTED] stated she had met him at the medical office, Thursday - 08/29/13. The unit status confirmed Aberin was working Patrol and assigned the area of downtown Hayward. This geographic area included the CVS Pharmacy on [REDACTED] and the [REDACTED]. In addition, Aberin's unit status illustrated he had proactively conducted a security check ([REDACTED] near the intersection of A Street and Rockaway Lane from 2:25pm until 4:13pm. I suspect it was during this time that Aberin originally learned of the forged prescriptions and then contacted [REDACTED] at the medical office.

Captain Stuart also provided me with a list of all subjects who Aberin performed criminal history inquiries on during 8/29/13. Information revealed that Aberin conducted a CLETS database search for "[REDACTED] r - DOB [REDACTED]" at approximately 15:59 hours (3:59pm).

Reviewing the information, it was evident Aberin had contacted [REDACTED] on 8/29/13.

Contrary to what Aberin had told [REDACTED] earlier on the phone, it was known that he was currently in a training class at the Hayward Station. Aberin had been present in the class all day and at no time had he been driving back from L.A. as he had advised [REDACTED]

Inspector Ritchie and I then met with Aberin in Lt. Keener's office in an attempt to speak with him. Due to the office being an Internal Affairs office, I noticed Aberin seemed worried once realizing where we were going. Based on this, I told Aberin to relax and advised him he was not under arrest. I told him

329 that we wished to ask him some questions regarding criminal allegations made against him and I sought
330 to seek his side of the story.

331 Inspector Ritchie then reaffirmed to Aberin that we were conducting a criminal investigation and he
332 proceeded to advise him of his Miranda Rights. Aberin stated he understood his rights and then asked if
333 he needed a representative. I told Aberin we could not make that decision for him and he needed to
334 determine whether or not he wished to provide a statement. Aberin thought for a moment then
335 replied, "ok, I will talk." I then asked Aberin if he was sure and he answered, "yeah."

336 The following is a summary of Aberin's interview:

337 Aberin began by admitting he had received \$500 from [REDACTED]. He confirmed he had asked
338 [REDACTED] for the money when meeting with her while off duty on Friday, 09/13/13. Aberin said [REDACTED]
339 had given him the money without obligation and she understood it was not a loan nor was it being
340 borrowed. Aberin stated he had made it clear to [REDACTED] she was giving him the money with no strings
341 attached and she was doing it because she wanted to, not because she was forced to do so.

342 Aberin explained he had initially come in contact with [REDACTED] on Thursday, 08/29/13. He stated he had
343 been conducting a [REDACTED] (security check) in the parking lot of the CVS Drug store located on the corner
344 of [REDACTED]. While there, Aberin said he used the restroom and was
345 then contacted by a pharmacist who told him about some suspected forged prescriptions. Aberin did
346 not know the name of the pharmacist he had spoken with but described her as approximately 35-40
347 years old with a light complexion, dark hair and speaking with an [REDACTED] accent. (The
348 pharmacist was later identified as [REDACTED]. It should be noted that [REDACTED] utilizes her
349 middle name as she is commonly known as [REDACTED].")

350 Aberin said [REDACTED] told him about a forged prescription that a woman had tried to pass in order to
351 get pain medication. The Pharmacist told Aberin it was unusual because the medical business for the
352 prescription was a [REDACTED] clinic which didn't usually prescribe pain medication. While [REDACTED]
353 advised Aberin of the crime she told him that CVS was not interested in criminal prosecution. Due to
354 the prescription having the name and address of the medical business, [REDACTED]
355 [REDACTED] Aberin followed up by making contact at the location in an "attempt to build a case."

356 Once at the business, Aberin made contact with the office manager [REDACTED] and questioned her
357 about the prescribed pain medication. He stated [REDACTED] told her she knew nothing about the forged
358 prescriptions but advised him that multiple blank prescriptions had been stolen. Aberin said he also
359 briefly spoke with [REDACTED] as she was working at the office as an assistant. He said [REDACTED] told him she
360 knew nothing about the forged prescriptions.

361 After speaking with [REDACTED] and [REDACTED] Aberin then returned to CVS and told [REDACTED] the medical
362 office denied writing the prescriptions for pain medication. He then had [REDACTED] call the medical
363 office to determine if [REDACTED] voice sounded like the person she had previously spoken with who had
364 "ok'd" the prescription. [REDACTED] told Aberin that [REDACTED] voice did not sound familiar. Afterwards,

365 [REDACTED] supplied Aberin with a cell phone number which she stated had been associated with the
366 prescriptions. Aberin said he learned the cell phone number belonged to [REDACTED] [REDACTED]

367 Aberin then returned to the medical office where he confronted [REDACTED]. He stated he pulled her aside
368 and asked her what was going on. [REDACTED] then admitted she had stolen a number of blank prescriptions
369 and given them to a guy in Vallejo. Aberin then told [REDACTED] what he had learned and she stated she did
370 not want anything done.

371 With neither CVS nor the medical office pursuing prosecution Aberin attempted to cultivate [REDACTED] as a
372 confidential informant. He began asking [REDACTED] questions – who do you sell it to, where is it going,
373 how much money do you make? Aberin claimed he didn't receive any worthwhile information
374 regarding the prescriptions and he then asked her if she could provide him with information regarding
375 illegal drug and money. Aberin told [REDACTED] he was looking for information that could help him make
376 significant arrests so he could further his career. Aberin concluded his contact with [REDACTED] telling her
377 she had two weeks to come up with a name.

378 Approximately two weeks later, on 9/13/13, Aberin said he gave [REDACTED] a phone call. He asked her, "do
379 you have anything for me?" [REDACTED] replied, "no, I do not." Aberin told [REDACTED] "I want to talk to you in
380 person, let's meet." When talking with [REDACTED] on the phone, Aberin admitted she sounded distraught
381 and learned she was currently at work [REDACTED] in Oakland.)

382 Once [REDACTED] agreed to meet, Aberin drove to the location, meeting her off duty. Aberin stated he
383 drove his personal truck and dressed in civilian clothes so he would not intimidate her. Aberin said he
384 made sure there was nothing in his truck that illustrated he was a Police Officer or that associated him
385 with Law Enforcement. Aberin added that he didn't even take his firearm with him. He advised he
386 wanted to meet with [REDACTED] off duty so she would understand he wasn't working and "there would be
387 no abuse of authority" or any type of "force or fear" associated with his actions. Aberin acknowledged
388 that he suspected [REDACTED] was worried about the forged prescriptions and he commented, "I could only
389 imagine how stressful it was, knowing she could possibly see some jail time."

390 Aberin said he met [REDACTED] in the parking lot of the shopping center. (Refer to the associated Google
391 Map for an overhead view of where the meeting took place.) Once there, Aberin explained that [REDACTED]
392 got in the truck and he asked if she had information for him. [REDACTED] told him she didn't have the type
393 of information he wanted. Realizing [REDACTED] wasn't useful as an informant, Aberin said he told her that
394 he did not have a case against her and he would not be investigating her actions. Aberin stated they
395 continued to talk, "then money comes up." He stated he was the person who first started talking about
396 money and he asked [REDACTED] for \$500 dollars. Aberin claimed that [REDACTED] answered, "sure" but told
397 him she didn't have it on her at the moment. Aberin said he told [REDACTED] "I need money because I owe
398 people money." Aberin claimed he didn't actually owe people money, he simply wanted it.

399 (It should be noted that Aberin told us he made it clear to [REDACTED] that she was no longer being
400 investigated prior to him asking her for money. The recording which [REDACTED] collected during their
401 meeting contradicted this statement as Aberin was heard telling her, "here's my terms, between now

402 and the last time I talked to you, I am in debt with somebody \$500 dollars; you come up with \$500
403 dollars and then everything goes away." Clearly, Aberin appeared to be threatening [REDACTED] utilizing her
404 criminal situation to his advantage in order to obtain the money.)

405 As the discussion of money continued, Aberin told her, "I want to reiterate this, this is not a bribe, there
406 are no consequences." Aberin said he made it clear to [REDACTED] that the money was not in exchange for
407 getting out of her case. He added that he told [REDACTED] he was off-duty and she could leave at any time
408 and she was not required to give him \$500. Aberin stated there would be "no re-course" if she chose
409 not give him the money. After Aberin told this to [REDACTED] he said she then told him, "You know what
410 Romeo, I want to good for you, for letting us go, I want to give you \$500 dollars."

411 Aberin then drove [REDACTED] to the Bank of the West in San Leandro where she withdrew \$500 from the
412 ATM. When [REDACTED] returned to the truck with the money Aberin said he then told [REDACTED] he was "not
413 working and clearly off duty. I made sure she understood that." [REDACTED] then tried to hand Aberin the
414 money and he told her, "I'm not taking that money unless you are sure you understand what you are
415 doing." [REDACTED] then put the money down inside the truck and Aberin again told her, "You can leave
416 right now with your money in hand and there will be no recourse, or you can leave and leave the
417 money." [REDACTED] responded, "you know what, I want to help you out, here's \$500 dollars." Aberin said
418 he advised [REDACTED] approximately 5 times that she was voluntarily giving him the money and she was
419 not obligated to do so.

420 Aberin recalled [REDACTED] demeanor at the time as "not stressed" and "smiling."

421 Aberin explained he had given [REDACTED] every opportunity to leave and advised, "I tried to make it clear
422 to her, this is not a bribe...you can walk out this door and there will be no consequences." Aberin
423 claimed he had never asked any other subjects for money, whether on or off duty.

424 Aberin admitted he didn't actually need the money and he asked for it because he could use the extra
425 money to help tune-up a motorcycle he was in the process of repairing. Aberin admitted he had held on
426 to the money which [REDACTED] had given and it was currently in a jar at his house.

427 Aberin continued by saying he asked [REDACTED] for money because of "opportunity" and "convenience."
428 He added, "I had the time...I didn't need the money but it would make my financial situation better,
429 that's all...instead of taking the hit from groceries or something like repairing my bike."

430 Once believing [REDACTED] understood she was willingly giving him the money, Aberin accepted it then
431 drove her back to work. There, Aberin told [REDACTED] "you know who I am and where I work, you know
432 how to contact me." After saying this, [REDACTED] left the truck and returned to work while Aberin drove
433 away.

434 Having accepted the money and returned [REDACTED] to work, Aberin stated he had no further contact with
435 her until she called him earlier today (9/17/13). He stated [REDACTED] had left a message on his work line
436 voicemail saying she needed his help. Aberin then accessed the message via his cell phone and played it
437 out loud so Inspector Ritchie and I could hear it. After Aberin had heard the message, he explained he

438 called [REDACTED] back utilizing HPD phone line (510)293-7119. Aberin said [REDACTED] asked him if she could
439 get the money back. (During the interview, Aberin admitted he still had the money in his possession as
440 it was in a jar at his residence.) He said he told [REDACTED] he could help her out and could meet her later in
441 the day in order to give her the money.

442 Aberin explained he had utilized informants in the past which had led him to an arrest for possession of
443 methamphetamine. He stated he had never taken any formal classes or received training on how to
444 cultivate or work with informants. Aberin said his work experiences had taught him basic skills on how
445 to utilize informants and he had attended classes sponsored by the California Narcotics Officers
446 Association (CNOA.) Aberin noted that none of the classes he had taken were related to managing
447 informants.

448 Aberin added he had not documented any of his actions with [REDACTED] or his investigation of the forged
449 prescriptions. He said that the only people who had known about what was going on were [REDACTED]
450 [REDACTED] and the employee at CV5 [REDACTED]. Additionally, Aberin said he had not told any co-workers
451 about what occurred and he had not discussed it with family members. Aberin said he had never met
452 nor knew of [REDACTED] before making contact with her on 8/29/13. He also stated he had never asked for
453 or accepted money from anyone else. (For complete information, refer to the audio recording of
454 Aberin's statement.)

455 With Aberin's interview complete, I advised him that he was being placed on Administrative Leave as
456 the investigation was conducted. I asked if he was currently in possession of any firearms and he
457 advised he had his personal off duty handgun in his left pocket. For safety reasons, I collected the
458 firearm from him and conducted a cursory search of his person for other weapons, nothing was located.
459 It should be noted that Aberin made no objection to the collection of his gun and I later gave it to
460 Sergeant Jakub who placed it into safekeeping. After searching Aberin, I advised Lieutenant Koller and
461 Sergeant Dorn that the interview was finished. They then collected the remainder of Aberin's
462 department issued property and escorted him out of the station.

463 As the investigation continued, I attempted to further corroborate [REDACTED] testimony by downloading
464 data from her cell phone, searching for video surveillance at the [REDACTED] shopping center and at the
465 Bank of the West ATM, and contacting and collecting statements from the security guard, later
466 identified as [REDACTED] the medical office manager, [REDACTED] and the CV5 Pharmacist, later
467 determined to be [REDACTED]

468 In addition to these tasks, on 9/18/13, I completed an affidavit in support of a Court Order requesting
469 subscriber, toll record and call detail information from AT&T Wireless regarding Aberin's cell phone. As
470 noted earlier, I believed Aberin had utilized his personal cell phone ([REDACTED]) to contact [REDACTED]. I
471 had completed a records search on Aberin's listed cell phone number and learned the provider was
472 noted as AT&T Wireless. I then contacted AT&T and a representative confirmed AT&T as the provider
473 for the cell phone number.

474 Based on my training and experience, I was aware that it may have been possible to determine Aberin's
475 whereabouts during the incident by determining GPS cell phone coordinates associated with calls made
476 and received by his cell phone. The phone call Aberin made to [REDACTED] just prior to meeting with her at
477 [REDACTED] should have registered with cell towers in the area providing the general location of his
478 whereabouts.

479 With the Court Order finished, it was later reviewed and endorsed by the Honorable Alameda County
480 Superior Court Judge Kolakowski on 09/20/13. I then faxed the approved order to AT&T and received
481 the requested cell phone data on 09/23/13 via secure email.

482 Reviewing the data, I made the following findings:

- 483 • On 9/13/13, Aberin made six phone calls to [REDACTED] cell phone [REDACTED]. The first call
484 was placed at 4:07pm and the last call was placed at 6:49pm. The calls are itemized #390, 391,
485 392, 393, 394 and 395. All calls are listed in the "Mobility Usage" report provided by AT&T.
- 486 • Call items # 390, 391, and 392 all had the same cell location GPS coordinates: 37.65984 –
487 122.09669. The coordinates illustrated Aberin was most likely in the area of the Hayward Police
488 Department when making the calls. (See associated "Google Map" and AT&T Mobility Usage
489 Report, pg. 17.)
- 490 • Call items # 393, 394, and 395 all had the same cell location GPS coordinates [REDACTED] –
491 [REDACTED]. The GPS coordinates illustrated Aberin was most likely in the area of [REDACTED]
492 [REDACTED] Oakland – [REDACTED] location of employment. (See associated
493 "Google Maps" and AT&T Mobility Usage Report, pg. 17.)
- 494 • On 9/17/13, Aberin made one phone call to [REDACTED] listed cell phone. The call was placed at
495 1:47pm and itemized as #424. The GPS coordinates listed for the call was 37.65984 –
496 122.09669. The coordinates illustrated Aberin was most likely in the area of the Hayward Police
497 Department when making the call. (See associated "Google Map" and AT&T Mobility Usage
498 Report, pg. 19.)
- 499 • AT&T provided subscriber information for cell phone number [REDACTED]. The information
500 listed "Romeo C. Aberin, [REDACTED]" as the Liable and
501 Billing Party. (See attached copy of Subscriber Information Report provided by AT&T.)

502 Once having reviewed the above information, I believe it further corroborated [REDACTED] testimony. All
503 calls which Aberin placed to her were either on 9/13/13, when they met and she provided the money to
504 him; or on 9/17/13, when Aberin called [REDACTED] during the pre-text phone conversation. Furthermore,
505 the cell phone report confirmed Aberin was the subscriber for cell phone number [REDACTED] and
506 that [REDACTED] never contacted him on his personal phone.

507 After reviewing Aberin's cell phone data, I compared it to the data which I had extracted for [REDACTED]
508 cell phone. Based on her call logs which included incoming, outgoing and missed calls, I was able to
509 account for five phone calls placed to her by Aberin. It should be noted that the calls placed to [REDACTED]
510 by Aberin were "blocked." Blocked calls are listed in the report as "no number." Comparing the date

511 and call times of [REDACTED] call logs with that of Aberin's call logs I suspected the highlighted "no
512 number" calls were from Aberin. (See attached phone exam report for "Apple iPhone 4/4S CDMA.")

513 In addition to the call data, Lieutenant Keener was able to provide me with a digital copy of the
514 voicemail which [REDACTED] left on Aberin's City of Hayward phone line on 9/13/13. (A CD copy of the
515 message has been placed into evidence at HPD.)

516 Furthering the investigation, on 09/19/13, Sergeant Forkus and I made contact at [REDACTED] regular place
517 of employment, [REDACTED] [REDACTED] in Oakland. There were two reasons for the visit,
518 first, attempt to locate possible video surveillance of the meeting between Aberin and [REDACTED] secondly
519 to locate and identify the security guard who [REDACTED] had spoken with prior to meeting with Aberin.

520 When arriving, I briefly met with [REDACTED] and her husband [REDACTED] [REDACTED] had just completed her shift
521 and [REDACTED] was picking her up. [REDACTED] explained she had gotten the information regarding the security
522 guard, advising his name was [REDACTED]. She added that he was working at the shopping center later
523 in the evening. [REDACTED] then walked me to the area in the parking lot where Aberin had initially picked
524 her up when meeting. I noted the location was in the southeast corner of the parking lot, away from the
525 majority of the businesses and near the Durant Street entrance/exit. (Refer to associated Google Map
526 for more info.) [REDACTED] said when Aberin returned her to the shopping center after withdrawing the
527 money he dropped her off in the same area. Once identifying the location, Sergeant Forkus and I
528 searched for exterior video surveillance but nothing was observed.

529 After speaking with [REDACTED] Sergeant Forkus and I made contact at [REDACTED] and were able to retrieve
530 a phone number for the security guard, [REDACTED]. I spoke with him on the phone and he advised he
531 was currently waiting for the bus to come to work. Based on this, I offered to pick [REDACTED] up so we could
532 talk regarding his interaction with [REDACTED]. [REDACTED] agreed to meet so Sergeant Forkus and I picked him
533 up from the bus stop and returned to [REDACTED] where we spoke with him in an office. In summary,
534 [REDACTED] told me the following:

535 [REDACTED] works as a security guard for [REDACTED]. He currently works at the [REDACTED]
536 [REDACTED] which includes the [REDACTED]. [REDACTED] estimated he had been working at
537 the shopping center for approximately 4 months and said he previously worked for [REDACTED]. He
538 stated he knew [REDACTED] because she was an employee at [REDACTED] and he often saw her in the parking
539 collecting shopping carts. [REDACTED] admitted he didn't know [REDACTED] that well, but he did say hello to her
540 in passing. He said he had known [REDACTED] for about two months and it was only through work, he had
541 never spent time with her outside of employment.

542 On 9/13/13, [REDACTED] said he was working security at the shopping center; his shift was from 3:00pm-
543 11:00pm. While at work, [REDACTED] said he was approached by [REDACTED] around 6:30pm. He said [REDACTED]
544 was crying and she told him she was involved in a situation with a Hayward Police Officer (no name
545 given). She admitted she had a case involving prescription pills and she had no business doing what she
546 had done. [REDACTED] told [REDACTED] the officer had been calling her since beginning the investigation and

547 badgering her about turning someone over to him. [REDACTED] explained that it appeared the officer was
548 trying use [REDACTED] as an informant.

549 As [REDACTED] spoke with [REDACTED] he said the officer called her on her cell phone and told her he was on his
550 way to pick her up. [REDACTED] said he couldn't hear the conversation but [REDACTED] told him about it once off
551 the phone. Based on what [REDACTED] had told [REDACTED] about her interaction with the officer, he felt that it
552 didn't seem right and he suggested she record her meeting with him. [REDACTED] then showed her how to
553 use her cell phone in order to record the conversation. [REDACTED] added that [REDACTED] had the recorder on
554 when she began walking towards the officer's truck.

555 [REDACTED] stated he had observed [REDACTED] meet with a subject that arrived driving newer model pick-up
556 truck. He described the truck as being grey-blue in color with tinted windows and black rims. [REDACTED]
557 stated he could not see what the driver looked like but it appeared as though he was the only occupant.
558 [REDACTED] recalled after the truck pulled up, [REDACTED] walked up to the vehicle, got inside and then it drove
559 off.

560 Approximately 30 minutes later, [REDACTED] said he observed the truck return, drop [REDACTED] off, then
561 immediately drive away. [REDACTED] said he had met with [REDACTED] when she returned and she told him she
562 had given the officer \$500 after he had asked for it. [REDACTED] explained that Aberin had told her he would
563 leave her alone and not move forward with her case based on receiving the money. [REDACTED] said [REDACTED]
564 appeared to be scared while talking with him as she was shaking, biting her nails and crying. [REDACTED] said
565 he asked [REDACTED] what she was going to do and she said she wasn't sure. [REDACTED] told [REDACTED] she wasn't
566 convinced the officer was actually going to close the case. [REDACTED] recalled that [REDACTED] seemed, "scared
567 for her life."

568 While [REDACTED] spoke to [REDACTED] he said she played the beginning of the recording for him. He stated he
569 did not hear the entire conversation. [REDACTED] said he hadn't spoken with [REDACTED] since the incident took
570 place. [REDACTED] also advised there was no video surveillance in the area where he had observed [REDACTED]
571 meet with and be dropped off by the officer. (Refer to [REDACTED] recorded statement for complete
572 information.)

573 Finished at [REDACTED] Sergeant Forkus and I then drove to Bank of the West at 1601 Washington Ave.,
574 in San Leandro. Due to [REDACTED] stating Aberin drove her to the bank to withdraw the money at the ATM,
575 I attempted to recover video surveillance at the scene.

576 At the bank, I met with Customer Service Manager [REDACTED] She advised that only the corporate
577 office could access surveillance and she provided me with [REDACTED] contact information.
578 [REDACTED] is the Assistant Vice President and Senior Investigator with Bank of the West.

579 I later contacted [REDACTED] and advised her I was looking for video surveillance from the ATM located at
580 the bank branch at 1601 Washington Ave., in San Leandro. I told her of the date (9/13/13), the time of
581 the transaction (19:11) and the specific ATM (BW6608) where [REDACTED] withdrew the money. I had this
582 information based on the ATM receipt which [REDACTED] had provided to San Leandro PD. After speaking
583 with [REDACTED] I later received still frame surveillance photos and recorded video footage from the

584 bank. The surveillance photos illustrated [REDACTED] withdrawing money and a vehicle matching the
585 description of Aberin's truck in the background.

586 The video depicted a newer model pickup truck, dark in color, pull up to the curb in front of the bank on
587 Washington Ave. The truck was then seen pulling out of the camera's view. Once out of view, [REDACTED]
588 was seen walking up to the ATM from the direction the truck was last observed traveling. After
589 withdrawing the money, [REDACTED] returned from the direction she had come from, out of view.

590 It should be noted that the video was not clear and I was not able to determine [REDACTED] demeanor
591 while she made the withdraw. It did not appear she was crying or upset at the time, however the
592 quality of the footage made it difficult to make any definite conclusion. (The still photo images were
593 received via email on 9/20/13 and the video footage was provided in disc format on 9/25/13. Refer to
594 Sergeant Forkus' supplement report for information regarding the video collection.)

595 Once having made contact at the bank, Sergeant Forkus and I then drove to the [REDACTED] medical office
596 at [REDACTED]. There, I met with the office manager, [REDACTED]. It should be noted that
597 it did not appear the doctor, [REDACTED], was currently at the office. Speaking with [REDACTED] she told
598 me she had been present when Aberin came to the office asking about the forged prescriptions.

599 Having contacted [REDACTED], I wished to speak with her in private. Because of this, I asked [REDACTED] if she would
600 be willing to come to the station so I could talk with her. [REDACTED] agreed to meeting the following day,
601 09/20/13.

602 Once leaving the medical clinic, Sergeant Forkus and I made a final stop at the CVS Drugstore located at
603 [REDACTED] in Hayward. According to Aberin, he had originally started his investigation
604 regarding the forged prescriptions when being notified of the crime by a CVS Pharmacist. Aberin did not
605 know the name of the pharmacist he had spoken with, but he had described her as a White female adult
606 with an [REDACTED] accent. Based on this, I wanted to identify the pharmacist and learn what she had
607 told him.

608 While at the store, I spoke with a CVS employee who believed the pharmacist I was looking for was
609 named [REDACTED]. The employee stated [REDACTED] worked as a "floater" in the CVS pharmacies, filling
610 in for regular employees who went on leave for an extended period of time. I learned that [REDACTED]
611 was currently working at a CVS in Livermore. I then left my card and contact number requesting it be
612 passed on to [REDACTED].

613 The following day, 09/20/13, I was able to speak with [REDACTED] over the phone. She advised she had
614 been contacted by CVS in Hayward and was given my number. Due to needing to meet with [REDACTED]
615 in person, I scheduled a meeting with her at the station on 9/24/13. It should be noted I needed to
616 meet with her in person in order to conduct a sequential photo line-up to try and further identify
617 Aberin.

618 At approximately 3:40pm, [REDACTED] arrived at the station and I met with her in an interview room. I advised
619 [REDACTED] she was not under arrest nor was I conducting a criminal investigation against her. I then asked

620 her to tell me about her interaction with Officer Aberin on 08/29/13. [REDACTED] told me the following in
621 summary:

622 [REDACTED] stated she works as the office manager at [REDACTED] for [REDACTED] [REDACTED] said the
623 office functioned primarily as a [REDACTED] clinic. [REDACTED] stated on Thursday, 8/29/13, Officer Romeo
624 Aberin arrived at the office in full uniform. Once there, Aberin approached [REDACTED] and asked who she was
625 and if he could speak to her in private.

626 When alone, Aberin began to interrogate [REDACTED], asking about fake prescriptions that had been sent to
627 CVS. [REDACTED] told Aberin she was aware of the prescriptions due to being contacted by CV5 but she was
628 not aware who was forging them. [REDACTED] advised that blank prescriptions had previously been stolen
629 from the office.

630 [REDACTED] stated Aberin also spoke with [REDACTED] while at the office. [REDACTED] explained she and [REDACTED] had been
631 friends for over 40 years and she happened to be at the office, helping out by filling prescriptions. [REDACTED]
632 said Aberin questioned [REDACTED] alone in a room away from where she was at.

633 After Aberin had spoken with both women independently, he briefly talked with them together in the
634 main office then left. Once gone, [REDACTED] and [REDACTED] talked about the forged prescriptions which Aberin
635 had questioned them on.

636 Approximately 5 minutes later, [REDACTED] said Aberin returned and spoke with her alone in the back office.
637 She said he began accusing her of forging the prescriptions, telling her she was guilty. [REDACTED] said she
638 remembered thinking "how the hell could I prove to him I was innocent." Aberin then had [REDACTED]
639 telephone the pharmacist so she could listen to her voice and see if she could recognize it as the person
640 who had been calling in the fake prescriptions. Aberin then took the phone from [REDACTED] and briefly spoke
641 to the pharmacist. After hanging up, [REDACTED] claimed that Aberin apologized to her for the interrogation
642 then gave her a hug.

643 Aberin then asked [REDACTED] if [REDACTED] was married and told her to have [REDACTED] come into the room. [REDACTED]
644 admitted that Aberin's question about [REDACTED] being married was "out of the blue" and it had no
645 correlation to anything else he had asked about.

646 [REDACTED] then went into the lobby and had [REDACTED] go into the room. [REDACTED] stated Aberin spoke alone with
647 [REDACTED] for approximately 15-20 minutes. Once coming out, she said Aberin was by himself as [REDACTED]
648 remained in the room. He then told [REDACTED] that [REDACTED] had confessed to forging the prescriptions and he
649 was sorry for having to, "plant the seed." Aberin then told [REDACTED] and [REDACTED] that his actions, and his
650 investigation, were to remain between them and nothing was to, "leave the office walls." [REDACTED] advised
651 that Aberin then said there was nothing more to it saying, "that was it."

652 [REDACTED] said Aberin then asked her what she was going to do about the situation [REDACTED] told him that
653 [REDACTED] was no longer going to be allowed on the premises. Aberin then went back to the room where
654 [REDACTED] was waiting and escorted her out of the office. [REDACTED] said [REDACTED] was crying and she walked
655 with her head down while leaving. As [REDACTED] walked past [REDACTED] she said, "I did it a long time ago, it was

656 for [REDACTED] [REDACTED] then grabbed her purse and left with Aberin walking out behind her [REDACTED] stated
657 that Aberin did not leave a report number or his card. She explained that Aberin did write down his
658 name on a piece of paper and had told [REDACTED] to file an on-line report.

659 Later that night, [REDACTED] said she received a text message from [REDACTED] which stated she was sorry for what
660 she had done. She added that Aberin had told her if she did not come up with something in two weeks
661 he would make her life a living hell. [REDACTED] then showed me the text messages which were sent to her by
662 [REDACTED] on 8/29/13 at 9:08pm. One of the texts sent by [REDACTED] stated verbatim, "He (Aberin) also told
663 me that nothing said in that room was to leave the room, and that if he found out, I would pay for it."
664 [REDACTED] advised she had not spoken to [REDACTED] since receiving the listed texts. Furthermore, [REDACTED] said she
665 had not seen or heard from Aberin since the incident. (Refer to the audio recording of [REDACTED] testimony
666 for complete details.)

667 After discussing Aberin's actions with [REDACTED] I conducted a sequential photo line-up with her. Prior to
668 doing so, I read her the HPD sequential line-up admonition which she stated she understood and signed.
669 I then presented six individual photos to [REDACTED], one at a time. When looking through the photos, she
670 identified Aberin's photo as the person she knew as Officer Romeo Aberin. [REDACTED] signed her name on
671 the photo which she recognized. (The line-up and admonition have been placed into evidence at HPD.
672 The event was audio recorded.)

673 To conclude the investigation, I met with CVS Pharmacist, [REDACTED] at the station on
674 9/24/13 around 10:30am. [REDACTED] spoke with an accent and advised she was originally from South
675 Africa. She stated during the months of July and August 2013, [REDACTED] worked as a relief pharmacist
676 at the CVS located on [REDACTED] in Hayward. She had been working as a pharmacist for CVS for the
677 past 20 years.

678 While working at the CVS in Hayward, [REDACTED] began to suspect prescriptions were being forged by
679 someone associated with the [REDACTED] [REDACTED] advised she had attempted to speak
680 directly with [REDACTED] several times over the phone to verify the prescriptions but she was never able
681 to reach him directly or not allowed by office staff to speak with him.

682 Additionally, [REDACTED] noted there were other "red flags" regarding the prescriptions. She stated they
683 were being called into the pharmacy late in the afternoon or after hours, patients' addresses were listed
684 incorrectly, patients were paying for the prescriptions with cash, and the prescriptions being ordered
685 were "schedule III" pain medications, not normally prescribed by a [REDACTED] clinic. Based on the
686 issues, [REDACTED] said she advised management about the suspected forgery however they did not
687 pursue it and told her not to fill the prescriptions if she believed they were forged.

688 [REDACTED] then showed me a copy of the suspected forged telephone order prescription she had taken
689 from [REDACTED] on 7/30/13. The address of the clinic was written on the prescription and it was
690 supposedly phoned in by [REDACTED] In addition to the call in prescription, [REDACTED] showed me the
691 notes she had written as to why she suspected the prescription was false. The notes included a listed
692 cell phone for [REDACTED] as "[REDACTED]" (The phone number is actually [REDACTED] cell phone number.) It

693 should be noted I had been provided copies of the telephone order prescription and [REDACTED] notes
694 the previous day when speaking with CVS staff. (See copies attached.)

695 After a few weeks, [REDACTED] was working in the pharmacy when she noticed Officer Aberin inside the
696 store. She stated she had never seen or spoken with him prior to this meeting. [REDACTED] said Aberin
697 was working at the time dealing with an unrelated incident. At some point, [REDACTED] said Aberin
698 came by the pharmacy and said hello. [REDACTED] then proceeded to tell him about the forged
699 prescriptions she was receiving from [REDACTED] office. She stated she wanted to advise Aberin of the
700 forgery although she explained to him that CVS was not interested in prosecution. [REDACTED] gave
701 Aberin the address to the clinic and he told her would check it out. [REDACTED] added that she showed
702 him copies of the prescription order and her notes when telling him about the problem.

703 [REDACTED] said Aberin left then returned about two hours later. Aberin advised her that he had been to
704 clinic and spoke with staff. He asked [REDACTED] if she would be willing to call the clinic and talk with
705 the employees to see if she could recognize their voices as the subjects she had previously spoken with.
706 Hesitant to call the clinic, [REDACTED] said another pharmacist called while she listened on the line.
707 [REDACTED] told Aberin she couldn't be sure if the voice was the same as that during her previous
708 conversations.

709 After making the phone call, Aberin left CVS telling [REDACTED] he would contact her if there were any
710 developments in the investigation. ([REDACTED] statement was recorded and placed into evidence at
711 HPD.)

712 I then completed a sequential photo line-up with [REDACTED] reading her the HPD admonishment prior
713 to doing so. As she viewed the photos, she identified the photo of Aberin as the officer she had met
714 with at CVS. [REDACTED] signed the photo of the subject she recognized as Aberin. (Sequential photo
715 line-up placed into evidence at HPD. The event was audio recorded.)

716 On the following day, 9/25/13, Sergeant Forkus told me he and Lieutenant Keener had met with Aberin
717 in Livermore the previous afternoon, 9/24/13. The reason for meeting with Aberin was for him to return
718 the \$500 dollars which he stated was given to him by [REDACTED] Sergeant Forkus said when meeting,
719 Aberin handed him a white envelope containing multiple \$20 bills. Sergeant Forkus counted the money
720 and confirmed there was a total of \$500.

721 Once confirming the money, both parties left the area. Sergeant Forkus advised that Aberin was driving
722 a newer model, dark grey or black pickup truck. He believed the vehicle was a [REDACTED] (It should be
723 noted I was unable to confirm the license plated for the truck Aberin through DMV records.)

724 Sergeant Forkus added he had made contact with [REDACTED] earlier in the morning (9/25) at her home,
725 returning the money to her. He stated that [REDACTED] signed an HPD evidence tag to confirm she had been
726 given the money.

727 Additionally, Sergeant Forkus told me he had completed an audit of all reports written by Aberin since
728 8/29/13. He stated there were no reports completed by Aberin which included [REDACTED] [REDACTED] or any

729 investigations related to prescription forgery. (For specific information refer to Sergeant Forkus'
730 supplement report.)

731 As a result of this investigation, I find it evident that Officer Romeo Aberin committed extortion while
732 under the color of authority. Aberin unlawfully obtained \$500 from [REDACTED] by making her fear
733 if she did not do so she would be arrested for having written forged prescriptions.

734 The facts that support this finding are summarized as follows:

- 735 • On 8/29/13, Aberin initially contacted [REDACTED] while on-duty, working as a Patrol Officer at the
736 Hayward Police Department.
- 737 • Aberin advised [REDACTED] he was investigating prescription forgery and interrogated her about her
738 involvement
- 739 • [REDACTED] admitted to Aberin she had stolen 10-12 blanks prescription pads and then forged
740 prescriptions.
- 741 • Aberin made no attempt to arrest [REDACTED] or document his investigation; instead he tried to
742 utilize her as an informant.
- 743 • Aberin advised [REDACTED] she had two weeks to provide him with criminal information that could
744 lead to arrests related to narcotics and money.
- 745 • On 9/13/13, the end of two weeks, Aberin met with [REDACTED] off duty in the parking lot of her
746 work place, he asked her about the information she had come up with and he determined it was
747 not good enough.
- 748 • Aberin then immediately told [REDACTED] he was in financial trouble and needed \$500 immediately.
749 If [REDACTED] provided the money he agreed to cease the investigation against her and drop all
750 charges.
- 751 • Fearing she would be arrested if she did not comply, [REDACTED] provided Aberin with \$500.
- 752 • This information has been corroborated through testimony provided by [REDACTED] [REDACTED] [REDACTED]
753 [REDACTED] and [REDACTED]
- 754 • Aberin provided a statement, admitting to the acts.
- 755 • [REDACTED] secretly recorded the meeting with Aberin when he requested money in exchange for
756 deferring her arrest.
- 757 • Pre-text phone calls between [REDACTED] and Aberin additionally confirmed his actions and
758 illustrated he was still using [REDACTED] criminal acts as leverage to get what he wanted.
- 759 • Cell phone data and records recovered from [REDACTED] and Aberin's cell phones further implicated
760 his contact with her.
- 761 • Video surveillance from Bank of the West strongly suggests Aberin drove [REDACTED] to the bank to
762 withdraw \$500.

763 The overwhelming evidence recovered in this investigation demonstrates Aberin extorted money from
764 [REDACTED] by threatening to expose the crime she had committed. Furthermore, it is clear that Aberin
765 asked for and received money under an agreement he would cease a criminal investigation. By doing
766 this, Aberin committed the act of bribery by a Public Officer.

767 Based on the information, I request this report be forwarded to the District Attorney for prosecution.

768 **PHYSICAL EVIDENCE:**

769 Refer to the associated property tags for evidence collected during this investigation.

770 **WITNESS TESTIMONY:**

771 Refer to the narrative and related audio recordings for testimony provided by [REDACTED] [REDACTED] [REDACTED]

772 [REDACTED] and [REDACTED]

773 **SUSPECT STATEMENT:**

774 Romeo Aberin provided a statement after being told he was being criminally investigated and advised of
775 his Miranda Rights. Refer to the narrative and the associated audio recording for complete details.

776 **SUSPECT RECORD:**

777 Romeo Aberin is not known to CRIM5/CII.

778 **CASE STATUS:**

779 Cleared report, forward to the District Attorney for review and charging.

780 ****End of report – R. Sill #262****

781

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783

784



San Leandro Police Department

901 East 14th Street
San Leandro, CA 94577



Patrol Division

TO: Captain Ed Tracey
FROM: Lieutenant Mike Sobek
DATE: 15 Sept 13
SUBJECT: Confidential Report #13-44120

Here is the information you have requested involving an alleged, possible extortion under color of authority.

Hayward PD Officer Romeo Aberin

Susp/Victim [REDACTED] WFA

We received a call yesterday from the husband of [REDACTED]. He stated his wife took out money from a San Leandro Bank and gave Officer Aberin money to keep quiet about a case he had on her. Apparently she was caught writing fraudulent prescriptions from [REDACTED] located at [REDACTED] in Hayward.

We sent out Officer Daren Pasut to meet with her and hear her story. She told Officer Pasut that on 08/29/13 Officer Aberin came to her business in uniform and in a marked police car. He told her that they had a "case on her" for writing fraudulent prescriptions. He said he would give her a couple of weeks to develop information on any drug dealers she knew and could give to him.

On 09/13/13, Officer Aberin allegedly showed up at her new job in [REDACTED]. He was in plainclothes and in an unmarked or personal car. He asked her, I believe, to meet in his car. Susp/Victim [REDACTED] decided to record the conversation. He asked her if she knew anyone selling drugs and when she couldn't give him names, he told her that he was in need of money due to financial problems he had. He said if she could withdraw \$500.00 he would make the case go away. Aberin drove [REDACTED] to the Bank of the West in San Leandro where she withdrew the \$500.00 and gave to him. [REDACTED] notified her husband of what had occurred and he contacted PD.

Our report is attached.

PRIMARY OFFENSE / OCCURRED INCIDENT 962- CONTACT CITIZEN		SAN LEANDRO POLICE DEPARTMENT		CASE NO. 2013-00044120		PAGE 3 OF 6	
CONFIDENTIAL		INVOLVED SUBJECTS 1 - 6					
REPORTING OFFICER 3281 PASUT, DAREN, ,				DATE / TIME WRITTEN 09/14/2013 21:14			

1	INVOLVMENT		NAME						DOB		AGE	
	VICTIM										47 A	
	RACE	SEX	HEIGHT	WEIGHT	HAIR	EYES	DRIVERS LIC. NO. / STATE		OTHER I.D. / STATE		PRIMARY LANGUAGE	
	W	F	5'04 -	130 -	BLN	BLU	/ CA					
	RESIDENCE ADDRESS								PRIMARY PHONE			
									/ CELL			
	E-MAIL ADDRESS								OTHER PHONE			
EMPLOYER / SCHOOL TYPE		EMPLOYER / SCHOOL NAME						OCCUPATION				
EMPLOYER												
EMPLOYER / SCHOOL ADDRESS								BUS. PHONE				
								/ WORK				

2	INVOLVMENT		NAME						DOB		AGE	
	INVOLVED PARTY										45 A	
	RACE	SEX	HEIGHT	WEIGHT	HAIR	EYES	DRIVERS LIC. NO. / STATE		OTHER I.D. / STATE		PRIMARY LANGUAGE	
	W	M	6'02 -	185 -	BRO	BRO	/ CA					
	RESIDENCE ADDRESS								PRIMARY PHONE			
									CELL			
	E-MAIL ADDRESS								OTHER PHONE			
EMPLOYER / SCHOOL TYPE		EMPLOYER / SCHOOL NAME						OCCUPATION				
EMPLOYER								OTHER				
EMPLOYER / SCHOOL ADDRESS								BUS. PHONE				
								WORK				

3	INVOLVMENT		NAME						DOB		AGE	
	INVOLVED PARTY		ABERIN, ROMEO								A	
	RACE	SEX	HEIGHT	WEIGHT	HAIR	EYES	DRIVERS LIC. NO. / STATE		OTHER I.D. / STATE		PRIMARY LANGUAGE	
		M										
	RESIDENCE ADDRESS								PRIMARY PHONE			
									OTHER PHONE			
	E-MAIL ADDRESS											
EMPLOYER / SCHOOL TYPE		EMPLOYER / SCHOOL NAME						OCCUPATION				
EMPLOYER		HAYWARD POLICE DEPT						POLICE OFFICER				
EMPLOYER / SCHOOL ADDRESS								BUS. PHONE				
HAYWARD, CA -												

4	INVOLVMENT		NAME						DOB		AGE	
	RACE	SEX	HEIGHT	WEIGHT	HAIR	EYES	DRIVERS LIC. NO. / STATE		OTHER I.D. / STATE		PRIMARY LANGUAGE	
	RESIDENCE ADDRESS								PRIMARY PHONE			
									OTHER PHONE			
	E-MAIL ADDRESS											
EMPLOYER / SCHOOL TYPE		EMPLOYER / SCHOOL NAME						OCCUPATION				
EMPLOYER / SCHOOL ADDRESS								BUS. PHONE				

5	INVOLVMENT		NAME						DOB		AGE	
	RACE	SEX	HEIGHT	WEIGHT	HAIR	EYES	DRIVERS LIC. NO. / STATE		OTHER I.D. / STATE		PRIMARY LANGUAGE	
	RESIDENCE ADDRESS								PRIMARY PHONE			
									OTHER PHONE			
	E-MAIL ADDRESS											
EMPLOYER / SCHOOL TYPE		EMPLOYER / SCHOOL NAME						OCCUPATION				
EMPLOYER / SCHOOL ADDRESS								BUS. PHONE				

6	INVOLVMENT		NAME						DOB		AGE	
	RACE	SEX	HEIGHT	WEIGHT	HAIR	EYES	DRIVERS LIC. NO. / STATE		OTHER I.D. / STATE		PRIMARY LANGUAGE	
	RESIDENCE ADDRESS								PRIMARY PHONE			
									OTHER PHONE			
	E-MAIL ADDRESS											
EMPLOYER / SCHOOL TYPE		EMPLOYER / SCHOOL NAME						OCCUPATION				
EMPLOYER / SCHOOL ADDRESS								BUS. PHONE				

PRIMARY OFFENSE / OCCURRED INCIDENT 962- CONTACT CITIZEN		SAN LEANDRO POLICE DEPARTMENT PROPERTY CONTROL		CASE NO. 2013-00044120		PAGE 4 OF 6	
REPORTING OFFICER 3281 PASUT, DAREN, ,				DATE / TIME WRITTEN 9/14/2013 21:14			
CODE: B-BURNED C-COUNTERFEIT/FORGED O-DESTRUCTION E-EVIDENCE F-FOUND K-SAFEKEEPING G-DAMAGED L-LOST O-OBSERVATION R-RECOVERED S-STOLEN T-STOLEN/RECOVERED							

1	CODE	QTY	SUB	TYPE	SERIAL #	VALUE	SPECIAL HANDLING
	E	1	YES	MISCELLANEOUS			
	DESCRIPTION BANK STATEMENT						
	E	1	YES	MEDIA- AUDIO, VIDEO			
	DESCRIPTION AUDIO OF VI AND SU'S CONTACT FROM (091313)						
3	CODE	QTY	SUB	TYPE	SERIAL #	VALUE	SPECIAL HANDLING
	DESCRIPTION						
4	CODE	QTY	SUB	TYPE	SERIAL #	VALUE	SPECIAL HANDLING
	DESCRIPTION						
5	CODE	QTY	SUB	TYPE	SERIAL #	VALUE	SPECIAL HANDLING
	DESCRIPTION						
6	CODE	QTY	SUB	TYPE	SERIAL #	VALUE	SPECIAL HANDLING
	DESCRIPTION						
7	CODE	QTY	SUB	TYPE	SERIAL #	VALUE	SPECIAL HANDLING
	DESCRIPTION						
8	CODE	QTY	SUB	TYPE	SERIAL #	VALUE	SPECIAL HANDLING
	DESCRIPTION						
9	CODE	QTY	SUB	TYPE	SERIAL #	VALUE	SPECIAL HANDLING
	DESCRIPTION						
10	CODE	QTY	SUB	TYPE	SERIAL #	VALUE	SPECIAL HANDLING
	DESCRIPTION						
11	CODE	QTY	SUB	TYPE	SERIAL #	VALUE	SPECIAL HANDLING
	DESCRIPTION						
12	CODE	QTY	SUB	TYPE	SERIAL #	VALUE	SPECIAL HANDLING
	DESCRIPTION						
13	CODE	QTY	SUB	TYPE	SERIAL #	VALUE	SPECIAL HANDLING
	DESCRIPTION						
14	CODE	QTY	SUB	TYPE	SERIAL #	VALUE	SPECIAL HANDLING
	DESCRIPTION						
15	CODE	QTY	SUB	TYPE	SERIAL #	VALUE	SPECIAL HANDLING
	DESCRIPTION						
16	CODE	QTY	SUB	TYPE	SERIAL #	VALUE	SPECIAL HANDLING
	DESCRIPTION						
17	CODE	QTY	SUB	TYPE	SERIAL #	VALUE	SPECIAL HANDLING
	DESCRIPTION						
18	CODE	QTY	SUB	TYPE	SERIAL #	VALUE	SPECIAL HANDLING
	DESCRIPTION						
19	CODE	QTY	SUB	TYPE	SERIAL #	VALUE	SPECIAL HANDLING
	DESCRIPTION						
20	CODE	QTY	SUB	TYPE	SERIAL #	VALUE	SPECIAL HANDLING
	DESCRIPTION						



SAN LEANDRO POLICE DEPARTMENT

POLICE REPORT

901 E. 14TH STREET
SAN LEANDRO, CA 94577
(510) 877-3217 RECORDS



CASE NO.

2013-00044120

PAGE 5 OF 6

PRIMARY OFFENSE / OCCURRED INCIDENT

962- CONTACT CITIZEN

CONFIDENTIAL

CASE NARRATIVE

REPORTING OFFICER

328\ PASUT, DAREN, ,

DATE / TIME WRITTEN

09/14/2013 21:14

APPROVING SUPERVISOR

LEJA, DANIEL, C

BACKGROUND:

RESIDES IN [REDACTED] SHE IS CURRENTLY MARRIED TO IP- [REDACTED] WORKS AT [REDACTED] OAKLAND AND SAN LEANDRO, [REDACTED] ALSO WORKS PART TIME AT [REDACTED] IN HAYWARD. ON 082713, DURING BUSINESS HOURS, [REDACTED] WAS CONTACTED BY A HAYWARD POLICE OFFICER (ROMEO ABERIN) WHILE SHE WAS WORKING AT [REDACTED] OFFICER ROMEO WAS IN A FULL POLICE UNIFORM AND WAS DRIVING A FULLY MARKED HAYWARD PATROL VEHICLE. [REDACTED] WAS CONTACTED AND QUESTIONED BY OFFICER ROMEO REGARDING HER FRAUDULENTLY SIGNING MEDICAL PRESCRIPTIONS TO SEVERAL FRIENDS AND CO-WORKERS. [REDACTED] ADMITTED TO WRITING THESE PRESCRIPTIONS ON APPROX. 12 DIFFERENT OCCASIONS. OFFICER ROMEO INFORMED [REDACTED] HE WOULD REFRAIN FROM ARRESTING HER, IF SHE COULD PROVIDE HIM INFORMATION THAT COULD LEAD HIM TO A MORE SERIOUS CRIMINAL OFFENSE (I.E DRUGS OR MONEY). [REDACTED] TOLD ROMEO THAT SHE DID NOT KNOW OF ANYONE THAT WAS INVOLVED IN THIS TYPE OF CRIMINAL BEHAVIOR. OFFICER ROMEO LEFT THE BUSINESS, AND INFORMED [REDACTED] SHE HAD TWO WEEKS TO COME UP WITH THIS INFORMATION. [REDACTED] WAS NOT PROVIDED A CASE NUMBER OR BUSINESS CARD BY OFFICER ROMEO.

DETAILS:

ON 091313, ABOUT 1608HRS., [REDACTED] RECEIVED A VOICEMAIL FROM OFFICER ROMEO WHICH HE IDENTIFIED HIMSELF AND INFORMED HER TO CONTACT HIM [REDACTED] AS SOON AS POSSIBLE, AND THAT IT WAS URGENT. ABOUT 1715HRS., OFFICER ROMEO WAS ABLE TO REACH [REDACTED] VIA CELL PHONE, WHILE SHE WAS WORKING AT [REDACTED] ROMEO ASKED IF [REDACTED] HAD ANY OF THE INFORMATION HE WAS LOOKING FOR. [REDACTED] PROVIDED A NAME OF A MALE SUBJECT IN HAYWARD WHO WAS KNOWN TO DRUG SALES AND SELLING STOLEN MERCHANDISE, BUT WAS TOLD THE INFORMATION WAS NOT GOOD ENOUGH. ROMEO THEN ASKED IF SHE WAS AVAILABLE TO MEET WITH HIM IF HE RESPONDED TO HER WORK, WHICH SHE REPLIED YES.

ABOUT 1849HRS., [REDACTED] CLOCKED OUT OF WORK AND MET WITH ROMEO IN THE PARKING LOT TO [REDACTED] ROMEO WAS DRIVING A NEWER MODEL [REDACTED] PICKUP, EXTENDED CAB, CHARCOAL GRAY IN COLOR. [REDACTED] GOT INTO THE PASSENGER SEAT AND BEGAN ENGAGING ROMEO IN CONVERSATION. ROMEO AGAIN ASKED IF SHE WAS ABLE TO FIND ADDITIONAL NAMES OF SUBJECTS THAT COULD LEAD HIM TO "BIG FISH." HE STATED THE NAME SHE PROVIDED HIM WAS NOT GOOD ENOUGH. AFTER GOING BACK AND FORTH ABOUT HER LACK OF INFORMATION, ROMEO ASKED IF SHE COULD GET HIM \$500.00 IN US CURRENCY. ROMEO STATED HE NEEDED SOME MONEY TO PAY FOR SOME FINANCIAL PROBLEMS. [REDACTED] AGREED TO PROVIDE ROMEO THE MONEY HE WAS ASKING FOR, WITH THE MIND SET THAT BY GIVING ROMEO THE MONEY HER INCIDENT (FILLING FRAUDULENT PRESCRIPTIONS) IN HAYWARD TWO WEEKS PRIOR WOULD BE TAKEN CARE OF. [REDACTED] TOLD ROMEO SHE WOULD BE WILLING TO WITHDRAWAL \$500.00 FROM HER DEBIT ACCOUNT FROM BANK OF THE WEST IN SAN LEANDRO. ROMEO DROVE [REDACTED] TO THE BANK OF THE WEST (1601 WASHINGTON AVE, SAN LEANDRO), WHERE SHE WITHDREW MONEY FROM THE ATM MACHINE. WHEN [REDACTED] GOT BACK INTO THE VEHICLE, ROMEO WANTED HER TO KNOW THE MONEY SHE WAS PROVIDING HIM WAS GIVEN VOLUNTARILY. [REDACTED] STATED SHE UNDERSTOOD, BUT AGAIN WAS REALLY TRYING TO DO WHAT SHE COULD TO PREVENT ROMEO FROM RE-OPENING HER HAYWARD INCIDENT. ROMEO DROVE [REDACTED] BACK TO [REDACTED] AND DROPPED HER OFF. WHEN [REDACTED] ARRIVED HOME AFTER WORK (APPROX. 2230HRS), SHE INFORMED HER HUSBAND (IP- [REDACTED]) WHAT TOOK PLACE. ON 091413, ABOUT 1932HRS., [REDACTED] CONTACTED THE POLICE TO REPORT THE INCIDENT. SEE STATEMENT FOR FURTHER DETAILS.

IT SHOULD BE NOTED THAT DURING ROMEO AND [REDACTED] CONTACT ON 091313, SHE HAD RECORDED THEIR CONVERSATION VIA HER CELL PHONE (APPROX. 27 MINUTES). [REDACTED] BURNED A COPY OF THEIR CONVERSATION ON A CD, AND PROVIDED ME A COPY.

THE AUDIO RECORDING WAS BOOKED INTO THE SLPD PROPERTY ROOM AS EVIDENCE.

[REDACTED] ALSO PROVIDED ME A COPY OF HER BANK OF THE WEST STATEMENT FROM HER WITHDRAWAL OF \$500.00. THIS WAS BOOKED INTO THE SLPD PROPERTY ROOM AS EVIDENCE.

I CONTACTED SGT. LEJA AND NOTIFIED HIM OF THIS INCIDENT.

NFD.

NARRATIVE



SAN LEANDRO POLICE DEPARTMENT

POLICE REPORT

901 E. 14TH STREET
SAN LEANDRO, CA 94577
(510) 577-3217 RECORDS



CASE NO.

2013-00044120

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6

PRIMARY OFFENSE / OCCURRED INCIDENT

962- CONTACT CITIZEN

CONFIDENTIAL

CASE NARRATIVE CONTINUATION

REPORTING OFFICER

3281 PASUT, DAREN, ,

DATE / TIME WRITTEN

09/14/2013 21:14

APPROVING SUPERVISOR

LEJA, DANIEL, C

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SAN LEANDRO POLICE DEPARTMENT

POLICE REPORT

901 E. 14TH STREET
SAN LEANDRO, CA 94577
(510) 577-3217 RECORDS



CASE NO.

2013-44120

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PRIMARY OFFENSE / OCCURRED INCIDENT

STATEMENT / CITIZEN ARREST

DEFENDANT'S NAME

DOB

RACE / SEX

ARREST CHARGE

CITIZEN ARREST: I hereby arrest the above defendant on the charge indicated and request a Peace Officer take him/her into custody. I will appear when notified to sign a complaint against the person I have arrested. ☒

MIRANDA ADMONITION:

I want to advise you; (1) You have the right to remain silent; (2) Anything you say, can and will be used against you in a court of law; (3) You have the right to talk to a lawyer and have him present while you are being questioned; (4) If you cannot afford to hire a lawyer, one will be appointed to represent you, free of charge, before any questioning, if you wish one.

Do you understand each of these rights I have explained to you?

Date/Time:

Witness Officer:

I have been advised of my rights and understand what they are.

☒

☒

NAME

DOB

RACE / SEX

HEIGHT / WEIGHT

HAIR / EYES

ADDRESS

PHONE

DRIVERS LIC. NO.

STATE

EMPLOYER NAME / ADDRESS

OCCUPATION

EMP. PHONE

LICENSE NO.

STATE

YEAR

MAKE

MODEL

STYLE

COLOR

DESCRIPTION

1. MY NAME IS [REDACTED]. ON THURSDAY AUGUST 29TH 2013 I WAS
2. CONTACTED BY A HAYWARD POLICE OFFICER AT MY PART TIME JOB AT
3. [REDACTED] C. THE ADDRESS IS [REDACTED] HAYWARD.
4. THE HAYWARD POLICE OFFICER WAS IN FULL POLICE UNIFORM AND IDENTIFIED
5. HIMSELF AS RONEO ABERIN. OFFICER ABERIN CONTACTED ME THAT DAY
6. BECAUSE HE FOUND OUT I HAD WRITTEN ALMOST 12 FRAUDULENT
7. PRESCRIPTIONS TO FRIENDS AND CO-WORKERS. OFFICER ABERIN TOLD ME
8. THAT DAY IF I WAS HONEST, HE WOULD LET ME WALK FROM THE PRESCRIPTIONS
9. I WROTE. BEFORE I LEFT MY WORK, OFFICER ABERIN CONTACTED ME AGAIN
10. AND SAID I NEEDED TO CALL HIM WITHIN TWO WEEKS AND PROVIDE HIM
11. INFORMATION TO "BIGGER FISH." HE SAID HE WAS LOOKING FOR DOPE OR
12. MONEY. I TOLD HIM I DIDN'T KNOW THOSE TYPE OF PEOPLE HE WAS
13. LOOKING FOR. HE TOLD ME I BETTER THINK OUTSIDE THE BOX. I DID NOT
14. HEAR FROM OFFICER ABERIN WHEN HE CALLED ME ON MY CELL PHONE. I
15. MISSED HIS CALL BUT RECEIVED AN VOICEMAIL THAT SAID FOR ME TO
16. CALL HIM BACK AT 570 293 3401. HE CALLED ME ON 091413 AT
17. 4:00 PM. I CALLED HIM BACK AT 5:09 PM AND LET HIM A MESSAGE FOR
18. HIM TO CALL ME BACK. OFFICER ABERIN CALLED ME BACK WITHIN 10 MINUTES
19. AND HE ASKED IF I HAD ANY INFORMATION FOR HIM. I TOLD HIM I DIDN'T
20. HAVE ANYTHING. HE SEEMED FRUSTRATED AND ASKED IF HE COULD MEET ME
21. AT MY WORK ([REDACTED]). I TOLD HIM HE
22. COULD MEET ME AT MY WORK. OFFICER ABERIN CALLED ME AT 6:49 PM (091313)
23. AND TOLD ME HE WAS OUT FRONT MY WORK. I WENT OUTSIDE AND CONTACTED
24. OFFICER ABERIN AT HIS VEHICLE. HE WAS DRIVING A NISSA MODEL TRUCK

REPORTING OFFICER

SERIAL NUMBER

DATE / TIME WRITTEN

D. PAVUT

328

091413 / 2059



SAN LEANDRO POLICE DEPARTMENT

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(510) 577-3217 RECORDS



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PRIMARY OFFENSE / OCCURRED INCIDENT

STATEMENT / CITIZEN ARREST

DEFENDANT'S NAME

DOB

RACE / SEX

ARREST CHARGE

CITIZEN ARREST: I hereby arrest the above defendant on the charge indicated and request a Peace Officer take him/her into custody. I will appear when notified to sign a complaint against the person I have arrested.

X

MIRANDA ADMONITION: I want to advise you; (1) You have the right to remain silent; (2) Anything you say, can and will be used against you in a court of law; (3) You have the right to talk to a lawyer and have him present while you are being questioned; (4) If you cannot afford to hire a lawyer, one will be appointed to represent you, free of charge, before any questioning, if you wish one.

Do you understand each of these rights I have explained to you?

Date/Time:

Witness Officer:

I have been advised of my rights and understand what they are.

X

X

NAME

DOB

RACE / SEX

HEIGHT / WEIGHT

HAIR / EYES

ADDRESS

PHONE

DRIVERS LIC. NO.

STATE

EMPLOYER NAME / ADDRESS

OCCUPATION

EMP. PHONE

VEHICLE NO.

STATE

YEAR MAKE

MODEL

STYLE

COLOR

DESCRIPTION

CONTINUATION:

I think it was a [REDACTED], DARK SILVER / CHARCOAL GUY IN COLORED. I NOTICED HE WAS IN UNIFORM OR IN A MARKED POLICE VEHICLE HE WAS BY HIMSELF. OFFICER ABRAHAM TOLD ME TO GET INSIDE THE PASSENGER SEAT WHICH I DID. HE ASKED ME AGAIN WHAT I HAD FOR HIM. I TOLD HIM ABOUT A GUY I KNEW IN HAYWARD WHO DEALS DRUGS AND SELLS STREET MERCHANDISE. HE SAID THAT MY INFORMATION WASN'T GOOD ENOUGH, AND ASKED WHAT ELSE I HAD. WE WENT BACK AND FORTH AND THEN HE ASKED IF I COULD COME UP WITH \$500 CASH RIGHT NOW. HE TOLD ME HE NEEDED \$500 TO PAY OF SOME OF HIS FINANCIAL PROBLEMS. BEFORE HE TALKED ABOUT HIS PROBLEM HE DID SAY MY CASE REGARDING THE PRESCRIPTION PAIN WAS CAUSING ALOT OF PROBLEMS. HE SAID HE WAS ASKING ME ABOUT THE MONEY I COULD GET HIM, SO I FINALLY AGREED TO WITHDRAW MONEY OUT OF MY BANK OF THE WEST ACCOUNT. HE DROVE ME TO MY BANK IN SAN LEANDRO OFF WASHINGTON AVE / PARADISE ST. I WITHDREW \$500 OUT OF MY ACCOUNT WHILE HE STAYED IN HIS CAR. I GOT BACK IN THE CAR AND HANDLED HIM THE MONEY. BEFORE I GAVE HIM THE MONEY HE DID SAY THAT I WAS GIVING HIM THE MONEY VOLUNTARILY, AND DIDN'T NEED TO. I SAID I UNDERSTOOD, BUT MY HEAD FELT LIKE IF I DIDN'T GIVE HIM THE MONEY MY CASE WOULD RE-OPEN. HE THEN DROVE ME BACK TO MY WORK AND DROPPED ME OFF. FROM THE START OF MY CONTACT UNTIL HE DROPPED ME OFF BACK AT WORK, I RECORDED OUR CONVERSATION ON MY CELL PHONE THROUGHOUT OUR CONTACT. I WAS VERY SCARED AND CRYING BECAUSE I DIDN'T KNOW WHAT TO DO.

REPORTING OFFICER

SERIAL NUMBER

DATE / TIME WRITTEN

D. PAUL

320

091413/2059



SAN LEANDRO POLICE DEPARTMENT

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PRIMARY OFFENSE / OCCURRED INCIDENT

STATEMENT / CITIZEN ARREST

DEFENDANT'S NAME

DOB

RACE / SEX

ARREST CHARGE

CITIZEN ARREST: I hereby arrest the above defendant on the charge indicated and request a Peace Officer take him/her into custody. I will appear when notified to sign a complaint against the person I have arrested.

X

MIRANDA
ADMONITION:

I want to advise you; (1) You have the right to remain silent; (2) Anything you say, can and will be used against you in a court of law; (3) You have the right to talk to a lawyer and have him present while you are being questioned; (4) If you cannot afford to hire a lawyer, one will be appointed to represent you, free of charge, before any questioning, if you wish one.

Do you understand each of these rights I have explained to you?

Date/Time:

Witness Officer:

I have been advised of my rights and understand what they are.

X

X

NAME

DOB

RACE / SEX

HEIGHT / WEIGHT

HAIR / EYES

ADDRESS

PHONE

DRIVERS LIC. NO.

STATE

EMPLOYER NAME / ADDRESS

OCCUPATION

EMP. PHONE

VEHICLE NO.

STATE

YEAR MAKE

MODEL

STYLE

COLOR

DESCRIPTION

I GOT OFF WORK AT 10:00 PM AND DROVE HOME. I TOLD MY HUSBAND WHAT OCCURRED. MY HUSBAND WANTED TO CALL THE POLICE, BUT I WANTED HIM TO HOLD THE RECORDING ON MY PHONE. MY HUSBAND CALLED THE POLICE TODAY TO REPORT THE INCIDENT. THIS IS MY TRUE STATEMENT. I WOULD BE ABLE TO IDENTIFY OFFICER ABRAHAM AGAR. (u) [REDACTED]

REPORTING OFFICER

SERIAL NUMBER

DATE / TIME WRITTEN

D. PASOS

328

09/14/13 / 2059

Thursday August 20th initial contact in Hayward



BANK OF THE WEST

OFFICER
Romeo
Aberin

LOCATION: 1601 WASHINGTON AV

SAN LEANDRO

CA

CARD NO: XXXXXXXXXX

09/13/13

19:11

BW6608

SEQ NBR: 9014

AMT:

\$500.00

CHECKING WITHDRAWAL

XXXXX

AVAILABLE BALANCE

BALANCE

\$

THANK YOU FOR BANKING WITH US
Member FDIC

www.bankofthewest.com

9/13/13

R.A. 4:08 Left message w/ ph #

Called back 293-3401 @ 5:09
Left message

RA 6:45 Blocked call

6:49 — 1 min. call from RA in parking lot

6:03 — Recording started

5293
3401



SAN LEANDRO POLICE DEPARTMENT

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PRIMARY OFFENSE / OCCURRED INCIDENT

962- CONTACT CITIZEN

REPORTING OFFICER

328\ PASUT, DAREN, ,

DATE / TIME WRITTEN

9/14/2013 21:14

CONFIDENTIAL

**THIS REPORT HAS BEEN CLASSIFIED AS CONFIDENTIAL.
PUBLIC DISSEMINATION IS PROHIBITED.**



SAN LEANDRO POLICE DEPARTMENT

POLICE REPORT

901 E. 14TH STREET
SAN LEANDRO, CA 94577
(510) 577-3217 RECORDS



CASE NO.

2013-00044120

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ASSOCIATED SLPD CASE #(S)

2013-
2013-
2013-

- ☐ DVR ☐ RRES
☐ GANG RELATED
☐ CONFIDENTIAL REQUESTED
☐ BAWAR INFO PROVIDED
☐ VICT OF VIOLENT CRIME NOTIFIED

EVENT

DATE REPORTED DAY TIME
09/14/2013 SAT 19:32

OCCURRED INCIDENT TYPE
962- CONTACT CITIZEN

CRIME SCENE TECHNICIAN

OCCURRED FROM DAY TIME
08/29/2013 THU 00:00

DOMESTIC RELATIONSHIP

WEAPON

SIGNIFICANT EVENT

CONFIDENTIAL

AND DAY TIME
09/13/2013 FRI 22:30

LOCATION OF OCCURRENCE

SAN LEANDRO

OFFENSES

NO.	SECTION - TYPE	ATTEMPT / COMMIT	COUNTS	MO FACTORS	<input type="checkbox"/> FORCED TO DISROBE	<input type="checkbox"/> OTHER SEX ACTS
1				<input type="checkbox"/> ALARM DISABLED	<input type="checkbox"/> FORCED TO FONDLE SUSP	<input type="checkbox"/> PHONE DISABLED
2				<input type="checkbox"/> BOUND/GAGGED	<input type="checkbox"/> FORCED TO REAR STORE	<input type="checkbox"/> POWER DISABLED
3				<input type="checkbox"/> DEFECATED	<input type="checkbox"/> GLOVES WORN	<input type="checkbox"/> RAPED
4				<input type="checkbox"/> DEMAND NOTE USED	<input type="checkbox"/> HATE MOTIVATED	<input type="checkbox"/> RAPED WITH OBJECT
5				<input type="checkbox"/> DISROBED BY SUSP	<input type="checkbox"/> IMPERSONATE POLICE/LAW	<input type="checkbox"/> SODOMIZED
6				<input type="checkbox"/> EJACULATED	<input type="checkbox"/> KNEW LOC HIDDEN LOSS	<input type="checkbox"/> TORTURED
7				<input type="checkbox"/> FIRED WEAPON	<input type="checkbox"/> MASK WORN/FACE HIDDEN	<input type="checkbox"/> VICT CLOTHES CUT/TORN
8				<input type="checkbox"/> FOLLOWS/STALKS VICT	<input type="checkbox"/> MASTURBATED	<input type="checkbox"/> WEAPON USED
				<input type="checkbox"/> FORCED COVER FACE	<input type="checkbox"/> ORALLY COPULATED	<input type="checkbox"/> WINDOW SMASH BURG
				BURGLARY DETAILS	TOOLS	PLIERS
				POINT OF ENTRY	<input type="checkbox"/> BOLT CUTTER	<input type="checkbox"/> PRY TOOL
				METHOD	<input type="checkbox"/> BRICK/ROCK	<input type="checkbox"/> SAW/DRILL
				POINT OF EXIT	<input type="checkbox"/> FLASHLIGHT	<input type="checkbox"/> SCREWDRIVER
				METHOD	<input type="checkbox"/> GLASS CUTTER	<input type="checkbox"/> TAPE WIRE
					<input type="checkbox"/> KEY/LOCKPICK	<input type="checkbox"/> VICE GRIPS

SUBJECTS

NO.	INVOLVMENT	NAME (LAST, FIRST, MIDDLE, SUFFIX)	DATE OF BIRTH	AGE	RACE/SEX	HAIR/EYES	HCT / WGT
1	VI			47	W/F	BLN/BLU	5'04 / 130
2	IP			45	W/M	BRO/BRO	6'02 / 185
3	IP	ABERIN, ROMEO			/M	/	/
4					/	/	/
5					/	/	/
6					/	/	/
7					/	/	/
8					/	/	/
9					/	/	/
10					/	/	/
11					/	/	/
12					/	/	/

VEHICLES

NO.	LICENSE NUMBER	YEAR	MAKE	MODEL	STYLE	COLOR(S)
VICT 1	/					/
DESCRIPTION						
VICT 2	/					/
DESCRIPTION						
SUSP 1	/					/
DESCRIPTION						
SUSP 2	/					/
DESCRIPTION						

DOCS

___ TECH REPORT ___ ARREST REPORT ___ FST / 11550 FORM ___ CHP180
___ PHOTO REPORT ___ OFFICER SUPPLEMENT X STATEMENT FORM ___ CHP555

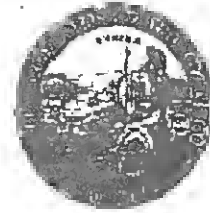
REPORTING OFFICER
3281 PASUT, DAREN, ,

DATE / TIME WRITTEN
09/14/2013 SAT 21:14

APPROVING SUPERVISOR
LEJA, DANIEL, C

NWS CASE REPORT #231 09/2009

SUPERIOR COURT OF CALIFORNIA
County Of Alameda



COURT ORDER

◆ SUBSCRIBER, BILLING, CREDIT AND TOLL RECORD SEARCH and
CALL DETAIL INFORMATION ◆

TO AT&T Wireless
Subpoena and Court Order Compliance
Custodian of Records
11760 US Highway I
North Palm Beach, FL 33408

No. _____

Case Number - 2013-65675

Hayward Police Department, Police Detective Ryan Sill, Badge Number #262 (herein after referred to as "Affiant") is currently conducting an investigation where the information ordered disclosed herein is relevant to an ongoing criminal investigation; the criminal offense under investigation is 518 PC, and the person and cell phone number which are the subject of this investigation is Romeo Aberin, phone number [REDACTED] and that AT&T Wireless, a telephone corporation as defined in Public Utilities Code, section 234, has received notice that this order was being sought. It is hereby ordered that AT&T Wireless, through its officers, employees and agents take the following action:

Provide to the Hayward Police Department, Police Detective Ryan Sill, the following

SUBSCRIBER, BILLING, CREDIT, TOLL RECORDS, PER CALL MEASUREMENT DATA, TEXT MESSAGES (including content), CALL LOGS (including all incoming, outgoing and missed calls) and CALL DETAIL INFORMATION (CELL SITE and ADDRESS LOCATIONS and GPS location information if enabled) for the monthly billing periods that covers August 20, 2013 through September 20, 2013 through thirty days after this court order is issued for the telephone number listed below. Please deliver the requested data in an "Excel" or delimited "CSV" (non-pdf) format preferably via E-Mail to ryan.sill@hayward-ca.gov or other computer media (3.5 disk, CD-ROM, or ZIP) to Police Detective Ryan Sill at Hayward Police Department, 300 W. Winton Ave., Hayward, CA 94544: [REDACTED]

ADDITIONAL ORDERS: It is also ordered as follows:

Release of Information: AT&T Wireless shall furnish affiant with all information gathered pursuant to this order in a reasonable time (five business days) while this order is in effect.

Compensation: Affiant's employing law enforcement agency shall compensate and/or reimburse AT&T Wireless for all reasonable charges and expenses incurred in complying with this order.

Non-disclosure: Having determined that there is probable cause to believe that the disclosure of the existence or execution of this order would impede a criminal investigation, it is ordered that AT&T Wireless, its officers, employees and agents not disclose to any person any information regarding the existence or execution of this order, or any information obtained pursuant to this order, unless ordered to do so by this Court, as such disclosure would impede the investigation.

JURISDICTION: This court has jurisdiction to issue this order pursuant to 18 USC 2703(d), 18 USCS ss 3121 et seq, California Penal Code ss 1523 et seq, California Code of Civil Procedure ss 128, 187 and United States v. New York Telephone company (1977) 434 US 159.

Wherefore, your affiant believes that the listed phone records are relevant to this ongoing, criminal investigation and therefore requests that a Court Order be issued for the listed telephone records that are currently located at AT&T Wireless.

Wherefore, affiant declares under penalty of perjury that the forgoing is true and correct to the best of my knowledge and belief.

Subscribed and sworn to before me on

Time of issuance: 2³⁰ pm

Judge of the Superior Court: Victor Kolahali

Dated: 9/20/13

Signature of Affiant: Ryan Sill

AFFIDAVIT IN SUPPORT OF COURT ORDER

Your Affiant is Ryan Sill, employed by the City of Hayward Police Department, County of Alameda, and has been so employed as a sworn officer since September of 2005. I am currently assigned to the Hayward Police Investigations Bureau as a Detective. My current assignment includes the investigation of crimes relating to state and federal violations of various crimes, including crimes committed against people and Internet Crimes Against Children (ICAC).

My duties also include the investigation of criminal violations of the United States Code, California Penal Code, the California Vehicle Code, the California Health and Safety Code, the California Business and Professions Code and other state and local violations. Prior to my current assignment, I have completed other special assignments within the Street Narcotics Team, the Special Duty Unit, the Narcotics Bureau and the Special Response Unit.

My work experience has allowed me the opportunity to investigate numerous crimes including but not limited to homicide, assaults with a deadly weapon, sexual assault, arson, missing people at risk, robbery, computer crimes, identity theft, burglary, possession of stolen property, embezzlement, credit card fraud and narcotics and firearms violations. I have participated in numerous searches including consent, probation, parole and written and executed search warrants and court orders resulting in the seizure of physical evidence and contraband. I have also had conversations with and interviewed subjects arrested and later convicted of the above listed crimes.

I have received formal training regarding the investigation of criminal activity through the Contra Costa County Sheriff's Office Police Academy, the California Police Officers Standards and Training, the Hayward Police Department, San Jose Police Department, the South Bay Training Consortium, FBI, Homeland Security and the Department of Justice. In addition to my workplace experience and training, I have a degree in Political Science from California State University Hayward.

Your Affiant states the facts in support of the issuance of the Court Order are as follows:

On 9/14/13, [REDACTED] and her husband, [REDACTED] contacted San Leandro Police and met with Officer Pasut at their residence in San Leandro. When Officer Pasut arrived, [REDACTED] advised him of actions taken against her by Hayward Police Officer Romeo Aberin. In summary, [REDACTED] told Officer Pasut the following:

On the afternoon of 08/29/13, [REDACTED] was contacted by Aberin at the [REDACTED] in Hayward. [REDACTED] advised she worked at the business, part-time, as an office assistant. Aberin had arrived at the business and appeared to be "on duty" as he was wearing a Hayward Police uniform and driving a marked Hayward Police vehicle. Aberin met with [REDACTED] and told her he was investigating forged medical prescriptions. Upon being questioned, [REDACTED] admitted to having written approximately 12 fraudulent prescriptions to friends and co-workers over the last year.

After admitting to the crime, Aberin told [REDACTED] he would not arrest her if she could provide him with more serious criminal information related to crimes such as narcotics trafficking and money. In essence, Aberin was attempting to utilize [REDACTED] as a confidential informant to assist him in apprehending other criminals. Aberin referred to the criminals as "bigger fish." [REDACTED] explained she didn't know subjects involved in such criminal activity. Aberin then left the business telling [REDACTED] she had two weeks to come up with the information requested and that she needed to "think outside the box." Aberin did not leave a business card or a report number when leaving.

On 09/13/13 at 4:08pm, [REDACTED] received a voicemail on her cell phone from Aberin while working at her second job at [REDACTED] in Oakland. During the message, Aberin identified himself as "Officer Aberin" and demanded [REDACTED] call him at [REDACTED]. Aberin told [REDACTED] to call him as soon as possible as it was urgent. (It should be noted that the phone number which Aberin provided is his dedicated Hayward Police voicemail phone number.)

Once hearing the message, [REDACTED] immediately called Aberin and left a message. [REDACTED] stated she called Aberin at 5:09pm. Within 10 minutes, Aberin returned the call, calling [REDACTED]'s cell phone from a "blocked" number. During the call, Aberin asked

Wherefore, affiant declares under penalty of perjury that the forgoing is true and correct to the best of my knowledge and belief.

Subscribed and sworn to before me on

Time of issuance: 2:30pm Judge of the Superior Court: WJK

Dated: 9/12/13 Signature of Affiant: _____

█████ if she had any information and she told him, "no." She recalled that Aberin sounded frustrated and asked to meet her at her work. Afraid to say no and risk being arrested, █████ agreed to meet and Aberin soon arrived in the parking lot of █████ in Oakland. Upon arriving, Aberin called █████ at 6:49pm and advised he was in front of her store. The displayed number which Aberin called from was "blocked."

Fearful of Aberin's actions, █████ confided in the shopping center's security guard, █████. After hearing about the situation, █████ agreed that Aberin's actions were not right and seemed suspicious. Based on this, █████ suggested █████ record her meeting with Aberin utilizing her cell phone. █████ had an Apple iPhone 4S which included an audio recorder. █████ quickly showed █████ how to use the recorder before she made contact with Aberin. (A copy of the recording was collected by San Leandro Police. The recording clearly captured the conversation between █████ and Aberin during their meeting.)

With her recorder on, █████ went out to the parking lot and met with Aberin at his truck. He was the only occupant. █████ described the truck as being a newer model, extended cab that was dark silver or charcoal gray in color. █████ suspected that the truck was a █████. Once at the truck, Aberin told █████ to get in and she did. He then asked if she had any information for him and █████ proceeded to tell him about a male subject who she suspected had sold drugs and stolen merchandise in the past. Aberin told █████ the information was not good enough and asked what else she could tell him. █████ said the conversation then went back and forth with Aberin finally telling her that her case regarding the forged prescriptions was closed and no charges would be filed.

After saying this, Aberin asked █████ if she could come up with \$500 cash immediately. Aberin explained that he needed the money to take care of some financial problems. Aberin asked about the money several times and █████ stated she finally agreed to withdraw the cash from her bank account at Bank of the West. With █████ having agreed to give Aberin the money, he drove her to the Bank of the West located at 1601 Washington Avenue in San Leandro. There, █████ withdrew \$500 at the ATM while Aberin waited in his truck. █████ provided the ATM receipt to San Leandro Police which illustrated she had withdrawn \$500 from her bank account on 9/13 at 7:11pm. Furthermore, surveillance footage from the bank illustrated █████ withdrawing the money and Aberin's suspected truck waiting in the background.)

When █████ returned to the truck, she tried to hand Aberin the money however he did not initially accept it. █████ stated Aberin wanted her to understand that she was giving the money to him voluntarily and she was not required to do so. █████ admitted she told Aberin she understood, however she believed if she had not given him the money he would have re-opened her case. Once █████ agreed that the money provided was voluntary, Aberin accepted the cash and drove her back to █████ where he dropped her off then left.

█████ completed her shift and left work around 10pm. █████ then went home and told her husband, █████ what had taken place. They reviewed the recorded conversation which █████ had collected on her cell phone then contacted San Leandro Police the following day (9/14/13) to report incident. █████ admitted she was very scared throughout her contact with Aberin and she had often cried because she didn't know what to do. (San Leandro Rpt #2013-44120.)

Once San Leandro had completed their initial report, the information was forwarded to Hayward Police and Internal Affairs Lieutenant Roger Keener. Inspector Ritchie and I were then briefed and tasked with completing the follow up investigation regarding Aberin's actions. It should be noted I was familiar with Aberin as I had been a co-worker of his since his date of hire on 04/30/07. I had worked for approximately 1 year with Aberin in the Patrol Division and he was also a team member of the Special Response Unit which I was also a member of. Based on countless interactions, I was familiar with Aberin which included being able to recognize his voice. When briefed, I had listened to the recording which █████ had collected during her meeting with Aberin. Based on the male's voice, I believed it to be Aberin.

To begin the investigation, Inspector Ritchie and I first met with █████ along with her husband █████ on 9/17/13. █████ discussed her contacts with Aberin, confirming what I had learned through the San Leandro report. As █████ spoke, I noticed she was upset as she cried while telling us her story and she appeared frightened and nervous. █████ advised that she never felt as if she had a choice when providing money to Aberin. She explained that she believed if she had not given him \$500 she would have been arrested. █████ added that when Aberin met with her in his truck he told her, "you should hate my guts" and she had responded by saying "I'm scared of you, you are authority."

After discussing the incident, Inspector Ritchie completed a sequential photo lineup with █████ viewed six individual photos and positively the photo of Romeo Aberin, DOB █████, as the person she knew as Officer Aberin. (It should be noted that

Wherefore, affiant declares under penalty of perjury that the forgoing is true and correct to the best of my knowledge and belief.

Subscribed and sworn to before me on

Time of issuance:

2³⁰pm

Judge of the Superior Court:

JK

Dated:

9/20/13

Signature of Affiant:

all photos were collected from the "Employee Photo" database which was accessed through the Hayward Police Intranet. All photos which [REDACTED] viewed were of male Hayward Police Employees wearing official Hayward Police uniforms. I was able to collect Aberin's personal information (DOB [REDACTED]) and cell phone number [REDACTED] by conducting a personnel search on the HPD "Aegis" database.)

With [REDACTED] having identified Aberin, we then went with her to the San Leandro Police Department. There, [REDACTED] completed three recorded phone calls to Aberin in our presence. [REDACTED] utilized her personal cell phone, [REDACTED], during each call. The following is a summary of the calls:

Call #1 at approximately 1335 hours: [REDACTED] called Aberin's dedicated Hayward Police voicemail line at [REDACTED] 1. [REDACTED] a message advising who she was and requested Aberin call her back because she needed his help. [REDACTED] asked Aberin call her at [REDACTED]. The call lasted approximately 32 seconds.

Call #2 at approximately 1346 hours: [REDACTED] received a call from Aberin at phone number [REDACTED] 9. [REDACTED] answered and Aberin was heard saying "Hey [REDACTED] what's up?" [REDACTED] told Aberin her husband was asking about the missing money and giving her a lot of problems. She then asked Aberin if she could get the \$500 hack from him and she would return it in a few days. Aberin answered by saying "ok" then paused for a moment and told her, "let me call you right back." The call lasted 33 seconds.

Call #3 at approximately 1350 hours: Aberin called [REDACTED] cell phone from a "blocked" number and immediately asked, "ok, so what's going on?" [REDACTED] told him that her husband had been alerted by their bank that a large amount of money had been withdrawn from their account. Because of this, he was now asking questions about where the money had gone. Aberin then asked [REDACTED] when she needed the money and she answered as soon as possible. Aberin then paused for a moment and told [REDACTED] "I'm in L.A. ... I'm on my way, I'm on 5 (HWY 5), (pause) where are you now?" [REDACTED] responded, "I just left the house, I start work at 3 o'clock, my husband was yelling and screaming and..." Aberin advised [REDACTED] he was on his way home and he could meet her at her work. Aberin then asked if [REDACTED] needed the full amount or just part of it. [REDACTED] told Aberin she could use the full amount but if she could get her husband some of the money it would stop him from screaming and yelling about it. Aberin then stated, "ok, that's fine, I don't want you to get too much in trouble, I'll meet you at your work, no later than five." Worried, [REDACTED] then asked, "this isn't gonna change the outcome of, the file's not gonna be open because of this is it?" Aberin quickly responded, "we'll talk." Shocked, [REDACTED] responded, "we'll talk?" "Yep," replied Aberin. The conversation then ended with Aberin telling [REDACTED] "handle your problem first, then we'll talk." The call lasted 2 minutes, 22 seconds. (It should be noted that "blocked" calls which [REDACTED] received from Aberin were suspected to be made from his cell phone - [REDACTED])

After the calls were completed, I returned to the Hayward Police Station with Inspector Ritchie. It was known that Aberin was currently in the station, completing Officer training. Obviously, this was contrary to what he had advised [REDACTED] over the phone. Having corroborated [REDACTED] statement through the recorded phone calls, Inspector Ritchie and I met with Aberin to question his involvement. Prior to asking Aberin about the accusations, Inspector Ritchie told him we were conducting a criminal investigation and then advised him of his Miranda Rights. Aberin stated he understood his rights and agreed to talk with us about the investigation.

During the interrogation, Aberin admitted to having contacted [REDACTED] while on duty when investigating forged prescriptions. He stated he had attempted to cultivate [REDACTED] as an informant and told her he wanted information that could lead to felony arrests. Aberin continued by saying he then met with [REDACTED] at [REDACTED], two weeks after asking if her to come up with information. He stated [REDACTED] did not have viable information so he then told her that her case was closed. Aberin explained that he was off duty during the meeting, he wore civilian clothes and he drove his personal truck

After telling [REDACTED] he was no longer investigating the case, Aberin explained he needed money to pay off a debt. Aberin proceeded to ask [REDACTED] if she could give him \$500. Aberin said he made it clear to [REDACTED] he was off duty and she was free to say no and not obligated in any way to provide him with \$500. Aberin claimed [REDACTED] voluntarily agreed to give him \$500 so he then drove her to the Bank of the West in San Leandro where she withdrew \$500 and gave it to him. Aberin was adamant that he did not accept the money until [REDACTED] said she was certain she had provided the money to him based on her own free will. Aberin then drove [REDACTED] back to [REDACTED] where he dropped her off.

Aberin then stated he had spoken with [REDACTED] on the phone since she had given him the money. He advised that he spoke with [REDACTED] earlier in the day, prior to his interview. He stated he was planning to meet with her and give her some money back because of problems she was having. Aberin claimed he was no longer "holding a case" over [REDACTED] and she understood this when providing

Wherefore, affiant declares under penalty of perjury that the forgoing is true and correct to the best of my knowledge and belief.

Subscribed and sworn to before me on

Time of issuance: 2:30 PM

Judge of the Superior Court: Victor S. Kolahali

Dated: 9/20/13

Signature of Affiant: _____

him with \$500. This statement contradicted the phone call which Aberin had earlier with [REDACTED] when she questioned him about asking for the money back. [REDACTED] had asked Aberin if taking the money back would cause her case to be re-opened, Aberin then told her, "we'll talk."

Once Aberin's interview was finished, he was placed on Administrative Leave and escorted out of the building. He was advised not to have contact with [REDACTED] or her family as the investigation was carried out.

As the investigation continued, on 9/18/13, I conducted a records check on Aberin's suspected cell phone number [REDACTED]. I learned the phone was registered to "Romeo Aberin" and the cell phone provider was listed as AT&T Wireless. I then contacted AT&T Wireless and spoke with a representative who confirmed AT&T was the wireless provider for the listed phone number.

Based on the above information, I believe cell phone data associated with Aberin's cell phone can assist in further corroborating the information provided by [REDACTED]. I am requesting the Court issue an order authorizing the release of stored cell phone data, including but not limited to call logs which illustrate all incoming, outgoing and missed calls associated with [REDACTED]. Furthermore, I know from prior training and experience it is possible to ascertain the location of a cell phone via two methods; cell tower signal triangulation and GPS signal location. I am requesting the court issue an order authorizing the use of cell tower triangulation and/or GPS location methods in order to locate the phone (with subscriber number [REDACTED] believed to be in Romeo Aberin's possession during the commission of the crime. This requested cell phone data, once provided by AT&T Wireless will assist in determining specific facts associated with this investigation.

Wherefore, affiant declares under penalty of perjury that the forgoing is true and correct to the best of my knowledge and belief.

Subscribed and sworn to before me on

Time of issuance: 2:30

Judge of the Superior Court: Kurtis Kohler

Dated: 9/20/13

Signature of Affiant: Ryan G. Fri

HAYWARD POLICE DEPARTMENT - HAYWARD, CA

ADMONITION

ABERIN, ROMEO.
Name of person admonished

1. You have the right to remain silent.
2. Anything you say can and will be used against you in a court of law.
3. You have the right to talk to a lawyer and have him/her present while you are being questioned.
4. If you cannot afford to hire a lawyer, one will be appointed to represent you before any questioning if you wish one.

WAIVER

1. Do you understand each of these rights I have explained to you?

YES.

2. Having these rights in mind, do you wish to talk to us now?

I will talk to you.

[Signature]
SIGNATURE OF OFFICER

225
BADGE NO.

9/16/13 1:10 PM
DATE AND TIME



CONSENT TO SEARCH CELLULAR TELEPHONE

Date:

9/17/13

I, [REDACTED], having been informed of my constitutional right not to have a search made of the below described cellular telephone hereinafter described without a search warrant, and my right to refuse to consent to such search, hereby authorize the following Officers:

DETECTIVE SILL / INSPECTOR RITCHIE

Who have identified themselves to me as members of the city of Hayward Police Department, to conduct a data search of my cellular telephone (s). This written permission is being given by me to the above-named Officers voluntarily and without threats or promises of any kind.

These Officers are authorized by me to recover the following data from the cellular telephone:

- ☒ Address book and other contact information
- ☒ Stored email messages
- ☒ Stored text messages
- ☒ Phone numbers of outgoing calls
- ☒ Phone numbers of incoming calls
- ☒ Photographs and other graphics
- ☒ Other stored information (describe VOICEMAIL)

9/17/13 1250
Time and Date

[REDACTED]
Signature of person giving consent

Witnessed by:

Cellular telephone description:

Make _____

Model _____

ESN _____

Other _____

Report Number: _____



09/13/2013 19:10:59.90
07 ATM 6604 W/U
Surveillance
BOW-SanLeandro-00026



09/13/2013 19:11:12.31
07 ATM 6604 W/U
Surveillance
BOW-SanLeandro-00026

tronic - the truck is stopped on the
right behind the bush

HPD #
13-65675



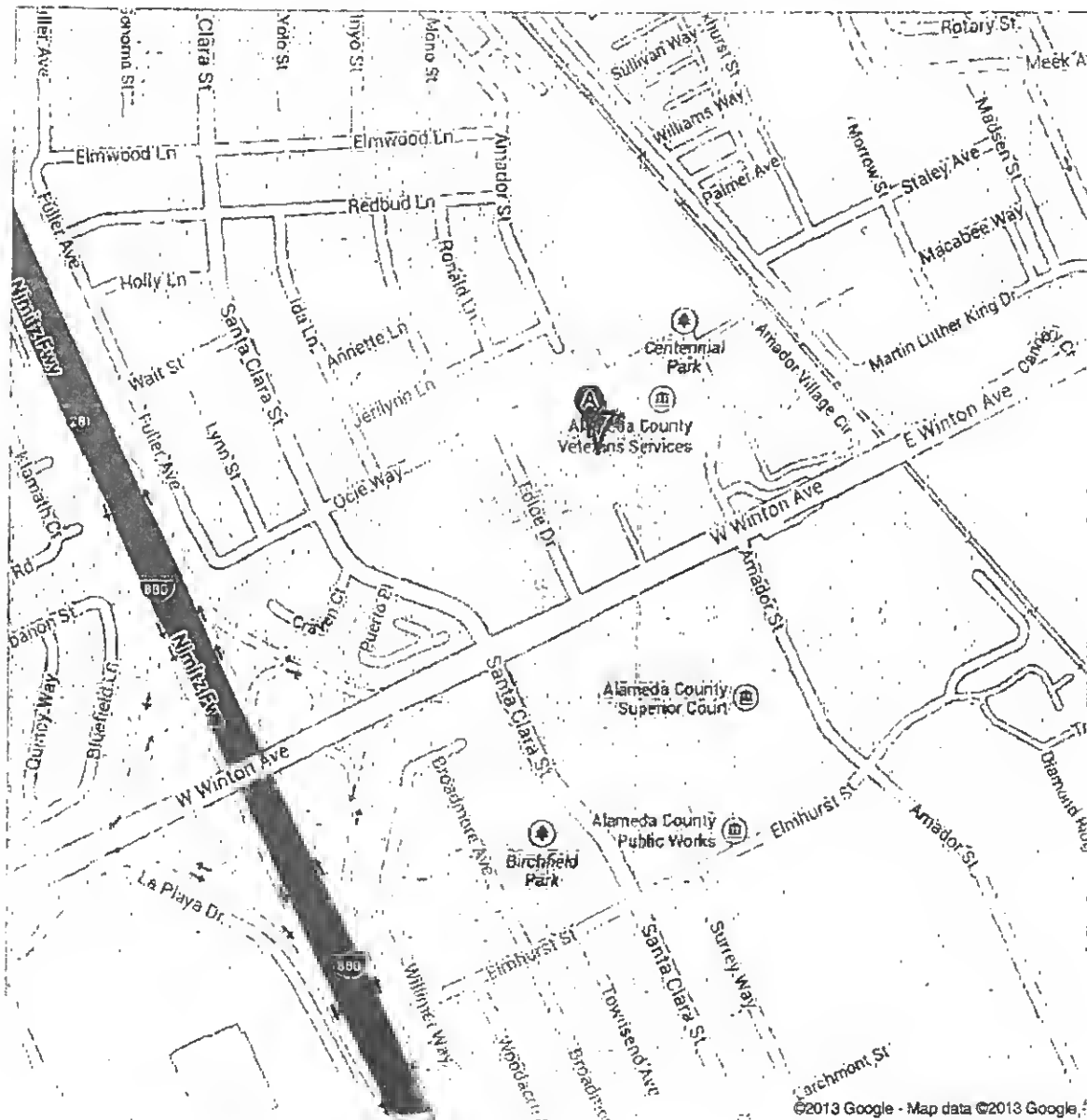
09/13/2013 19:11:36.85
09 ATM 6608 W/U
Surveillance
BOW-SanLeandro-00026



09/13/2013 19:12:07.89
09 ATM 6608 W/U
Surveillance
BOW-SanLeandro-00026

HPD #13-65675

Google

Address 221 W Winton Ave
Hayward, CA 94544Cell tower hit from GPS coordinates:
37.65984 - 122.09669 (Call Items 390-392)

Digitized by Google

Cell tower hit from GPS coordinates:
37.73756 - 122.16381 (Call items 393-395)



HPD #13-65675

VS/pharmacy

Telephone Order Prescription Pad

7/30/13

DOB:

☐ Infant/Pediatric

Phone:

Address:

Allergies:

No ID to show

Hayward

FAKE FAKE

R Hydroc/APAP 10/325

Sig: 1 po q 8^h prn
back pain #90

Medication Purpose:

Refills:

2

Read Back: ☐ DOB ☐ Drug Name ☐ Strength ☐ Directions

DISPENSE AS WRITTEN/BRAND MEDICALLY NECESSARY/
DO NOT SUBSTITUTE/NO SUBSTITUTION ALLOWED

MAY SUBSTITUTE PRODUCT SELECTION PERMITTED/
SUBSTITUTION PERMISSIBLE/INTERCHANGE MANDATED

Phoned in by:

Office Mail ☐

Phone:

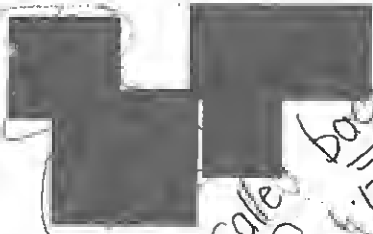
DEA or State License Number

Address:

Hayward

CVS Pharmacy Item # 163112

CVS Staff Initials



back
called @ 17h

I think
the office
manager
herself is
calling FAKE
Rx's

HPD #13-65675

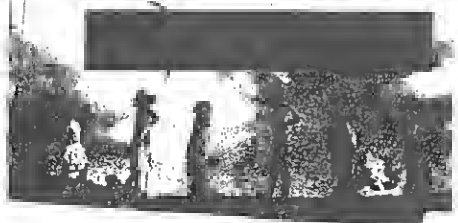
Call

Speak to
not

Speak to him
personally

"Cell"

is



HPD # 13-65675

DEA # 682670922 U.S. A20106

Take 100

Pat. # [REDACTED]

Name [REDACTED]

Address [REDACTED]

SECURITY FEATURES ON BACK D.O.B. [REDACTED] Gender *F*

R Hydrocodone/Apop 7.5mg/150mg

Take One Tablet every 8 hours as needed for pain

☐ 1-24
☐ 25-49
☐ 50-74
☒ 75-100
☐ 101-150
☐ over 151

Units *90*

☐ Do Not Substitute

☒ Refill ☐ First time Request

Refill - ☐ NR ☐ 1 ☒ 2 ☐ 3 ☐ 4 ☐ 5

[REDACTED] *06/20/13*

0354 PRESCRIPTION IS VOID IF MORE THAN ONE PRESCRIPTION IS WRITTEN PER BLANK *EMA*

1026877-200C

HAYWARD POLICE DEPARTMENT

CASE SUPPLEMENT REPORT

300 West Winton Avenue
Hayward, CA 94544

CASE# 2013-00065675

EVENT	REPORTED DATE/TIME 09/14/2013 21:14	OCCURRED INCIDENT TYPE	
	OCCURRED FROM DATE/TIME	OCCURRED THRU DATE/TIME	LOCATION OF OCCURRENCE

OFFENSES	STATUTE/DESCRIPTION	COUNTS	ATTEMPT/CONVICT

SUBJECT	SUBJECT TYPE Witness		NAME (LAST, FIRST, MIDDLE SUFFIX) [REDACTED] <input type="checkbox"/> NON-DISCLOSURE			
	DOB AGE or AGE RANGE		ADDRESS (STREET, CITY, STATE, ZIP) 2527 Camino Ramon Rd San Ramon, CA 94583			
	SEX	RACE White-European	EYE	HAIR	HEIGHT or RANGE	WEIGHT or RANGE
	DL NUMBER/STATE		PFN	PRIMARY PHONE (925)843-4502	PHONE #2	

SUBJECT	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX) <input type="checkbox"/> NON-DISCLOSURE			
	DOB AGE or AGE RANGE		ADDRESS (STREET, CITY, STATE, ZIP)			
	SEX	RACE	EYE	HAIR	HEIGHT or RANGE	WEIGHT or RANGE
	DL NUMBER/STATE		PFN	PRIMARY PHONE	PHONE #2	

SUBJECT	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX) <input type="checkbox"/> NON-DISCLOSURE			
	DOB AGE or AGE RANGE		ADDRESS (STREET, CITY, STATE, ZIP)			
	SEX	RACE	EYE	HAIR	HEIGHT or RANGE	WEIGHT or RANGE
	DL NUMBER/STATE		PFN	PRIMARY PHONE	PHONE #2	

SUBJECT	SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX) <input type="checkbox"/> NON-DISCLOSURE			
	DOB AGE or AGE RANGE		ADDRESS (STREET, CITY, STATE, ZIP)			
	SEX	RACE	EYE	HAIR	HEIGHT or RANGE	WEIGHT or RANGE
	DL NUMBER/STATE		PFN	PRIMARY PHONE	PHONE #2	

REPORTING OFFICER Forkus	DATE 09/14/2013	REVIEWED BY ken.forkus Forkus, Ken 9/26/2013 14:07
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HAYWARD POLICE DEPARTMENT

CASE SUPPLEMENT REPORT

CASE# 2013-00065675

300 West Winton Avenue

Hayward, CA 94544

NARRATIVE

On September 23, 2013, Captain Stuart requested I assist Detective Sill with this investigation. Captain Stuart requested I make arrangements with Aberin to recover the \$500.00 he had taken from [REDACTED]. Since Aberin was on administrative leave I contacted Lt. Keener, who agreed to arrange the meeting. Later that day Lt. Keener telephoned Aberin and an arrangement was made to meet on September 24, 2013 at 3:00PM, at a gas station on Vasco Rd. at Northfront Rd. in Livermore CA. (Refer to Lt. Keener's PUMA recording of the telephone conversation)

On September 24, 2013, at approximately 3:00PM, Lt. Keener and I arrived at the pre-designated meeting location. Upon our arrival we found Aberin waiting for us. I noticed Aberin was seated in a [REDACTED] truck, either black or dark gray in color. Aberin exited the driver's door of the vehicle, and I saw there were no other occupant's inside his vehicle.

I made contact with Aberin and he immediately handed me a white envelope containing US currency. I opened the envelope and noticed it contained multiple \$20.00 bills. I counted the money and found it to be \$500.00 in cash. I then had Lt. Keener verify the amount. I thanked Aberin for meeting us and returning the money; then we departed. At no time did Aberin make any spontaneous statements regarding the investigation. I retained custody of the money until I returned to work the following day.

On September 25, 2013, at approximately 5:30AM I arrived at the Hayward Police Department. I photocopied the serial numbered side of each \$20.00 bill, and then returned the money to a white envelope. (See attached photocopies)

At approximately 9:45AM I went to [REDACTED] home in San Leandro. Upon my arrival I met with [REDACTED] and her husband [REDACTED]. I explained to [REDACTED] I was there to return the \$500.00 Aberin had taken from her. As I handed [REDACTED] the envelope she asked that I give it to [REDACTED]. At her request I handed the envelope to [REDACTED] and asked him verify the dollar amount of \$500.00. [REDACTED] verified all the money was there, and I had [REDACTED] sign an evidence sheet stating she had received the money. (See attached evidence sheet)

At approximately 11:25AM, while in San Leandro on an unrelated business meeting, I received a telephone call from Detective Sill. He requested I respond to the Bank of the West corporate headquarters in San Ramon CA, and obtain photographs and video from Corporate Security Agent [REDACTED]

Detective Purnell and I arrived at the Bank of the West corporate headquarters, located at 2527 Camino Ramon in San Ramon CA, and met with [REDACTED] handed me one CD disc and one sheet of paper with still photographs printed on it. At 1:46PM, after arriving back to the police department, I handed Detective Sill the CD disc and sheet of paper I had received from [REDACTED]

On September 26, 2013, I conducted a records check in the Hayward Police Department's report writing system (New World). I checked all of Aberin's reports dated from August 29, 2013 to September 26, 2013. I was unable to locate any report documenting the name [REDACTED] CVS or [REDACTED]. I was also unable to locate any reports referring to a forgery or false prescription.

REPORTING OFFICER

DATE

REVIEWED BY

Forkus

132

09/14/2013

ken.forkus|Forkus, Ken|9/26/2013|14:07

HAYWARD POLICE DEPARTMENT

CASE SUPPLEMENT REPORT

CASE#

2013-00065675

300 West Winton Avenue

Hayward, CA 84544

NARRATIVE (continuation)

END OF REPORT
SGT. FORKUS #132

REPORTING OFFICER

Forkus

132

DATE

09/14/2013

REVIEWED BY

ken.forkus|Forkus, Ken|9/26/2013|14:07



HAYWARD POLICE DEPARTMENT

2013 - 65675

CASE NUMBER

Report Type:

- ☐ ARREST Report
☐ CASE Report
☒ CASE SUPPLEMENT Report
☐ ACCIDENT Report
☐ ACCIDENT SUPPLEMENT Rpt

Disposition:

- ☐ Adult ☐ In Custody
☐ Jail Cite
☐ Field Cite
☐ Juvenile ☐ In Custody (Juv Hall)
☐ Notice to Appear
☐ R & R
☒ Complaint Sought - To DA
☐ Juvenile Involved

INCIDENT TYPE: 518PC

REPORT ATTACHMENTS:

(Arranged in following order)

- ☐ Arrest Declaration Completed
☐ Citations #
☐ Breathalyzer Receipt
☐ Victim / Witness Statements #
☐ Susp Admonition/Statement #
☐ Juvenile "purple" form
☐ CHP 180 and SVS Printouts
☐ DUI/11550
☐ Non-Release
☐ Property / Evidence Report
☐ EPO / CPO
☐ BOLF / Critical Reach Flyer
☐ CAD / DMV / MUPS
☐ Warrant / Update / Out Of County
☐ Medical Forms
☐ Booking Card
☐ CRIMS / CII

Other: PHOTO COPIES

Other: RECEIPT OF MONEY

CHANGE CASE STATUS

(Use only with SUPPLEMENTS when status changes)

Date: _____

- ☐ Cleared
☐ Cleared Exceptional
☐ Juv R & R
☐ Non-Criminal Event
☐ Offender Death
☐ Victim Declined Prosecute
☐ Suspended
☐ Unfounded
☐ Referred to Other Agency

Req'd Photos Taken
(City Acct, UoF, Ect)

By Whom: _____

Date: 9/20/13

Officer: FO RHEUS

Supervisor ID: 132 Date: 9/20/13

Supervisor: FO RHEUS

Routing: _____
(Other agency or specific HPD Employee)

PROPERTY/EVIDENCE TAG

PROPERTY USE ONLY

Date/Time
Initials/Badge #
Storage location

***** GRAY SHADED AREA PROPERTY USE ONLY *****

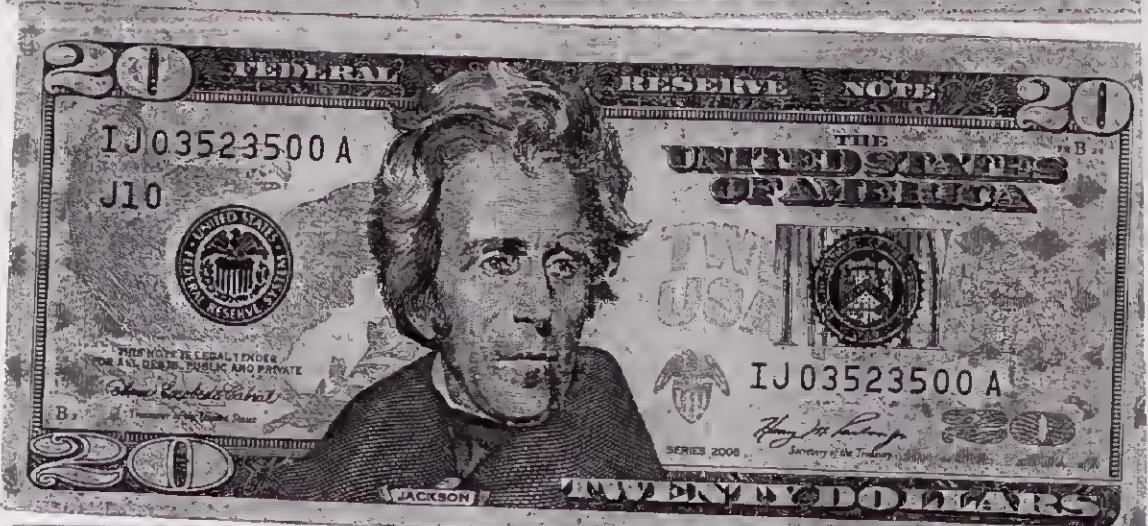
☐ EVIDENCE ☐ SEARCH WARRANT ☒ SAFEKEEPING ☐ FOUND ☐ DESTRUCTION ☐ 5150 HOLO ☐ DOMESTIC VIOLENCE

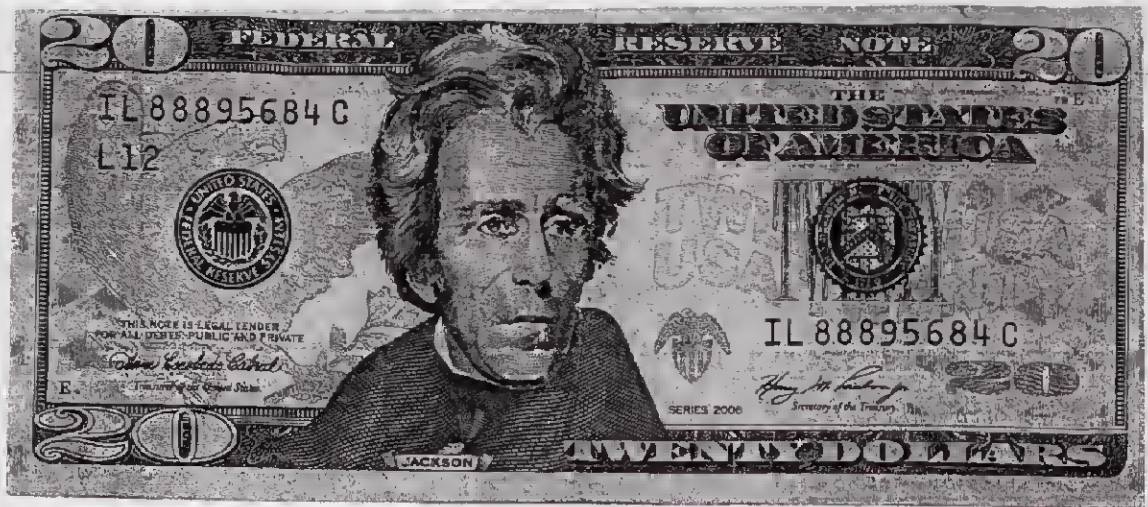
Firearm Information: Make, Model, Serial #, Importer, Barrel Length, Color, Country of Origin, Caliber, Magazine Capacity

REMARKS: ON 9-25-13 I WAS GIVEN \$500 - CASH BY SGT. FORKUS. THIS IS THE AMOUNT OF MONEY I GAVE OTHER AGENT.

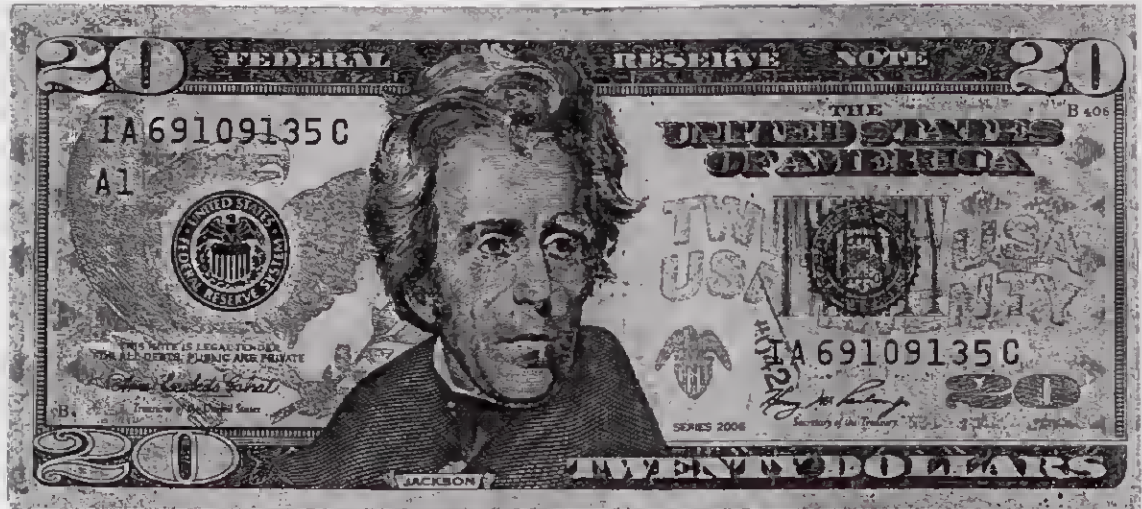
Signature _____

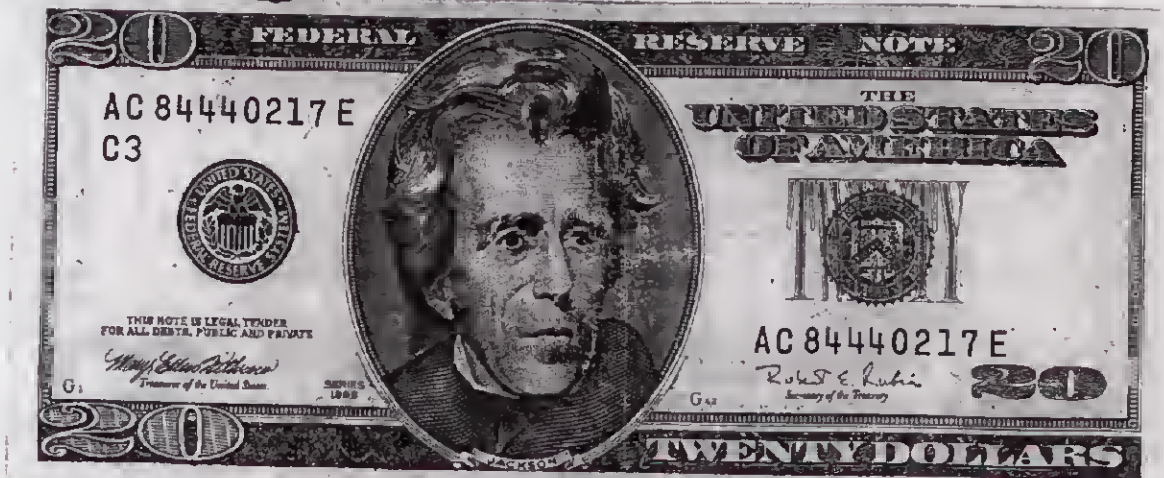
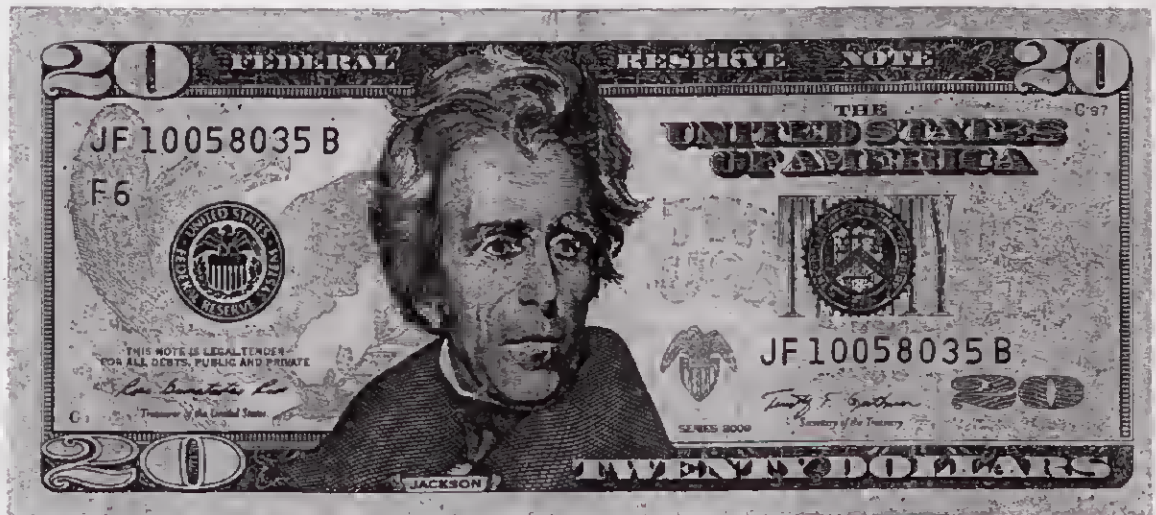
WHITE COPY WITH REPORT PINK COPY FIELD RECEIPT HARD COPY WITH PROPERTY/EVIDENCE



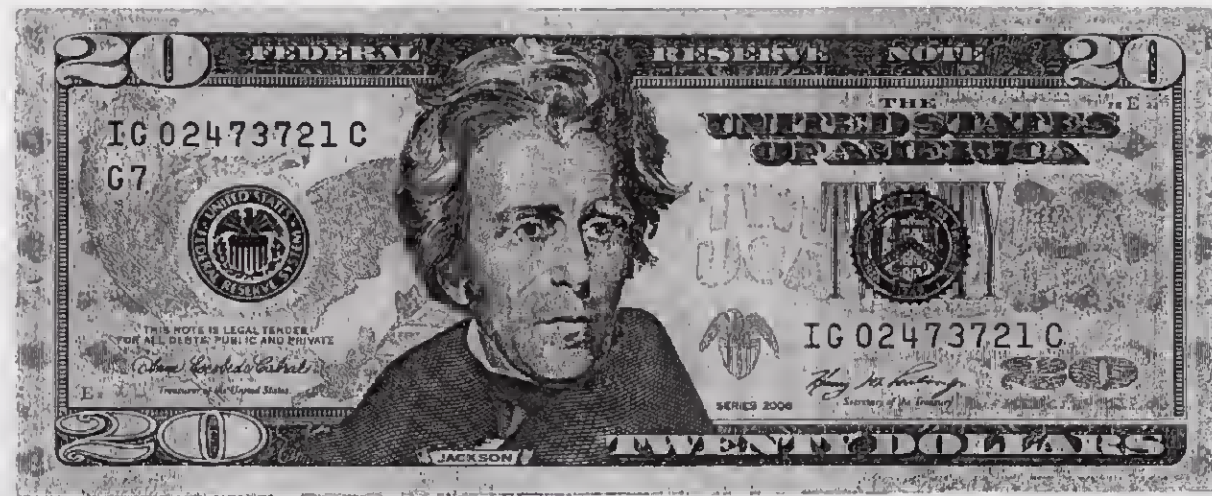














Quick Property Receipt



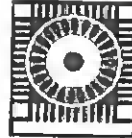
Print Date/Time: 10/01/2013 09:20
Login ID: ryan.sill

Hayward Police Department
ORI Number: CA0010600

Entry Date/Time	Officer	Case Number	Property Code(s)	Property Type	Description	Facility	Location/Other	Tag Number
10/01/2013 07:37	3436 - Sill	2013-00065675	Evidence/Seized	I-ID Documents Etc	Sequential photo line up completed with [REDACTED] (S) identified. HPD admonition included.	Temp Storage	Inside Locker	
10/01/2013 07:37	3436 - Sill	2013-00065675	Evidence/Seized	I-ID Documents Etc	Sequential photo line up completed with [REDACTED] (S) identified. HPD admonition included.	Temp Storage	Inside Locker	
10/01/2013 07:37	3436 - Sill	2013-00065675	Evidence/Seized	I-ID Documents Etc	Sequential photo line up completed with [REDACTED] (S) identified. HPD admonition included.	Temp Storage	Inside Locker	
10/01/2013 07:37	3436 - Sill	2013-00065675	Evidence/Seized	Y-Miscellaneous	(3) copies of call in prescription order and pharmacist notes. Provided by CVS Pharmacy.	Temp Storage	Inside Locker	
10/01/2013 07:37	3436 - Sill	2013-00065675	Evidence/Seized	Y-Miscellaneous	HPD printouts of Officer/Unit Status and criminal/subject inquiries completed on 8/29/13.	Temp Storage	Inside Locker	
10/01/2013 07:37	3436 - Sill	2013-00065675	Evidence/Seized	I-ID Documents Etc	ATM surveillance photos from Bank of the West.	Temp Storage	Inside Locker	
10/01/2013 07:37	3436 - Sill	2013-00065675	Evidence/Seized	PA-Papers	AT&T Subscriber Information and Mobility Usage for (S)'s cell phone. Provided per Court Order. Google map printouts illustrating cell location based on phone calls.	Temp Storage	Inside Locker	
10/01/2013 07:37	3436 - Sill	2013-00065675	Evidence/Seized	PA-Papers	HPD consent to search form. Signed by (V) to search cell phone. HPD Miranda Admonishment form. Read to (S) by Inspector Ritchie.	Temp Storage	Inside Locker	
10/01/2013 07:37	3436 - Sill	2013-00065675	Evidence/Seized	PA-Papers	Cell phone examination report - (V)'s cell phone.	Temp Storage	Inside Locker	
10/01/2013 07:37	3436 - Sill	2013-00065675	Evidence/Seized	V-Viewing Equipment	(1) CD containing audio recording of [REDACTED] interview.	Temp Storage	Inside Locker	



Quick Property Receipt



Print Date/Time: 10/01/2013 09:20
Login ID: ryan.sill

Hayward Police Department
ORI Number: CA0010600

Entry Date/Time	Officer	Case Number	Property Code(s)	Property Type	Description	Facility	Location/Other	Tag Number
10/01/2013 07:37	3436 - Sill	2013-00065675	Evidence/Seized	D-Data Computing Equip	(1) CD containing cell phone information pertaining to (S)'s cell phone. Provided by AT&T due to court order.	Temp Storage	Inside Locker	
10/01/2013 07:37	3436 - Sill	2013-00065675	Evidence/Seized	Y-Miscellaneous	(1) CD containing audio recording of voicemail left by the (S) to the (V) on 9/13/13 @ 1508 hrs.	Temp Storage	Inside Locker	
10/01/2013 07:37	3436 - Sill	2013-00065675	Evidence/Seized	Y-Miscellaneous	(1) CD containing audio recording of interview with [REDACTED]	Temp Storage	Inside Locker	
10/01/2013 07:37	3436 - Sill	2013-00065675	Evidence/Seized	Y-Miscellaneous	(1) CD containing (3) audio recordings pre-text calls between the (S) and (V).	Temp Storage	Inside Locker	
10/01/2013 07:37	3436 - Sill	2013-00065675	Evidence/Seized	Y-Miscellaneous	(1) CD containing audio recording of (S)'s interview.	Temp Storage	Inside Locker	
10/01/2013 07:37	3436 - Sill	2013-00065675	Evidence/Seized	Y-Miscellaneous	(1) CD containing audio recording of (V) [REDACTED] interview.	Temp Storage	Inside Locker	
10/01/2013 07:37	3436 - Sill	2013-00065675	Evidence/Seized	D-Data Computing Equip	(1) CD containing cell phone extraction report from (V)'s cell phone.	Temp Storage	Inside Locker	
10/01/2013 07:37	3436 - Sill	2013-00065675	Evidence/Seized	Y-Miscellaneous	(1) CD containing audio copy of meeting between (V) and (S). Recording completed covertly without the (S)'s knowledge. Provided by SLPD.	Temp Storage	Inside Locker	
10/01/2013 07:37	3436 - Sill	2013-00065675	Evidence/Seized	Y-Miscellaneous	(1) CD containing audio recording of (V) [REDACTED] interview.	Temp Storage	Inside Locker	
10/01/2013 07:37	3436 - Sill	2013-00065675	Evidence/Seized	V-Viewing Equipment	(1) DVD containing video footage from ATM surveillance camera at Bank of the West.	Temp Storage	Inside Locker	
10/01/2013 07:37	3436 - Sill	2013-00065675	Evidence/Seized	V-Viewing Equipment	(1) CD containing still photos of ATM Surveillance at Bank of the West.	Temp Storage	Inside Locker	



Print Date/Time: 10/01/2013 09:20
Login ID: ryan.sill

Submitted By

Property Officer

Quick Property Receipt



Hayward Police Department
ORI Number: CA0010600

Date

Date